

In the Matter Of:

Grace Ocean Private Limited and Synergy Marine PTE LTD

UNDER SEAL

CHARLES VAZ

March 10, 2025



1

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND
3 NORTHERN DIVISION

3 Civil Action No. 24-00941-JKB

4 IN THE MATTER OF
5 THE PETITION OF

6 GRACE OCEAN PRIVATE LIMITED,
7 as Owner of the M/V DALI and
8 SYNERGY MARINE PTE LTD, as
Manager of the M/V DALI,

9 For Exoneration from or
Limitation of Liability

10 _____ /

11
12
13 DEPOSITION OF
14 CHARLES VAZ
15 CONFIDENTIAL - ATTORNEYS' EYES ONLY

16
17 Monday, March 10, 2025
18 10:02 a.m. - 5:32 p.m.

19
20
21
22 Marriott Waterfront
23 700 Aliceanna Street
24 Baltimore, Maryland 21202

25 Stenographically reported by:
Erica Field, RDR, CRR, CA-CSR, TX-CSR,
GA-CSR, WA-CSR, NM-CCR, IL-CSR, NJ-CCR,
FL-FPR, OR-CSR, NY Notary, FL Notary,
AK Notary, DC Notary
Job No. 976006

2

1 REALTIME VIDEOTAPED STENOGRAPHIC
2 DEPOSITION of CHARLES VAZ, taken in the
3 above-entitled matter before ERICA FIELD,
4 RDR, CRR, California Certified Shorthand
5 Reporter (License No. 14515), Texas
6 Certified Shorthand Reporter (License No.
7 12724), Oregon Certified Shorthand Reporter
8 (License No. 240103), New Jersey Certified
9 Court Reporter (License No. 30XI00244800),
10 New Mexico Certified Court Reporter (License
11 No. 575), Washington Certified Shorthand
12 Reporter (License No. 22020479), Illinois
13 Certified Shorthand Reporter (License No.
14 084004952), Georgia Certified Court Reporter
15 (License No. 5338-8044-2296-7296), Florida
16 Professional Reporter (License No. 1109),
17 New York Notary, Florida Notary, Alaska
18 Notary, DC Notary taken at Marriott
19 Waterfront, 700 Aliceanna Street,
20 Baltimore, Maryland 21202 on
21 Monday, March 10, 2025, commencing at 10:02
22 a.m.
23
24
25

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1 Thereupon,

2 the proceedings began at 10:02 a.m.:

3 THE VIDEOGRAPHER: We are now on
4 the record. My name is Jason Levin.
5 I'm the videographer retained by
6 Lexitas. Today's date is March 10,
7 2025, and the time is 10:02 a.m.
8 Eastern. This deposition is being
9 held at the Baltimore Marriott
10 Waterfront in the matter of In Re:
11 Grace Ocean Private Limited
12 litigation. The deponent is Charles
13 Vaz. All counsel will be noted on the
14 stenographic record. The court
15 reporter today is Erica Field, and she
16 will now swear in the witness.

17 Whereupon,

18 SUJITHA SUBRAMARIAN,
19 the interpreter herein, was sworn to truly
20 and correctly translate English into Tamil
21 and Tamil into English.

22 THE INTERPRETER: I do.

23 Whereupon,

24 CHARLES VAZ,
25 having been first duly sworn or affirmed, was

10

1 examined and testified as follows:

2 DIRECT EXAMINATION

3 BY MR. REISMAN:

4 Q. Good morning, Bosun. My name is
5 David Reisman. I'm an assistant counsel for
6 the Office of the Attorney General for the
7 State of Maryland. We represent the State of
8 Maryland today in connection with litigation
9 involving the allision between the Dali and
10 the Francis Scott Key Bridge. I'm going to
11 ask you some questions today. Before we get
12 started, I want to give you a few
13 instructions and rules for the deposition so
14 that it goes smoothly. Okay?

15 So --

16 MR. REISMAN: Does he need that
17 translated or...

18 You just when you need me -- if
19 I go too far, you stop me, and we'll
20 break it up.

21 THE INTERPRETER: Yes, to ensure
22 accuracy, it would be great if you
23 could give the information in shorter
24 segments.

25 MR. REISMAN: I'll do my best

1 but --

2 THE INTERPRETER: Absolutely.

3 MR. REISMAN: -- you stop me if

4 I go too far.

5 BY MR. REISMAN:

6 Q. So the first thing that's
7 important is I'm going to ask you questions,
8 and I want to make sure you understand the
9 question I'm asking you.

10 If you don't understand my
11 question, I want you to tell me that, and I
12 will either repeat it or rephrase it so that
13 you can understand it.

14 Will you agree to do that?

15 A. Yes.

16 Q. Now, as you can see, when I talk,
17 the court reporter is taking that down. When
18 you talk, she's taking that down. When the
19 interpreter talks, she's taking that down.
20 She could only get what one person says at a
21 time, so it's important for you to wait until
22 I'm finished or for the interpreter to be
23 finished before you start talking.

24 Okay. You understand that?

25 A. (In English:) Yes.

12

1 Q. Before we get into things -- well,
2 let me say this first. If you need to take a
3 break, want to go to the bathroom, you need
4 to get water, you just want to stand up and
5 walk around, just tell me that. As long as I
6 don't have a question pending, then you're
7 free to take a break when you want. Okay?

8 We're going to hold this
9 deposition open because discovery from
10 Synergy and Grace Ocean, their production of
11 documents and their responses to
12 interrogatories are not yet complete, so we
13 may have to call you back to complete this
14 deposition at another time, and we're going
15 to reserve our right -- I believe all
16 claimants' counsel join in that reserving our
17 collective rights to have you come back to
18 complete this deposition at another time
19 after more discovery is completed from the
20 vessel interest.

21 I probably should have started
22 with this. You are represented today in this
23 deposition by Mr. Owen Duffy. Mr. Duffy has
24 told us he would like this deposition to be
25 treated as confidential under the terms of

13

1 the protective order issued by the District
2 of Maryland.

3 MR. REISMAN: There's a formal
4 procedure for doing that, but for all
5 counsel here in the room and those
6 listening, I want to you all to be
7 aware that this deposition had been
8 designated confidential by Mr. Duffy.

9 Mr. Duffy, do you have anything
10 you would like to add for that?

11 MR. DUFFY: No. Just I read the
12 protective order, and I just want to
13 make sure that testimony is treated as
14 confidential, and then you can deal
15 with it according to the terms of the
16 protective order once the transcript
17 is produced.

18 MR. REISMAN: And, obviously, I
19 think on behalf of the state, anybody
20 else can join me, we will abide by the
21 terms of the protective order as it is
22 written.

23 MR. DUFFY: And I would ask if
24 anybody is not going to abide, then
25 let me know now.

1 MR. REISMAN: For those of you
2 who are listening or watching
3 remotely, please make sure, with the
4 understanding that this is designated
5 as confidential, nobody who is not
6 entitled to hear this is joining you,
7 can overhear it, et cetera. We rely
8 on everybody to ensure their own
9 compliance with terms of the
10 protective order.

11 BY MR. REISMAN:

12 Q. Bosun, can you state your full
13 name for us please?

14 A. (In English:) Me real name Maria
15 Antony Jullans Jeyakumar. As per passport
16 you're asking sir?

17 Q. Yes. Can you maybe say that a
18 little more clearly for the court reporter.
19 I'm not sure she followed all the names.

20 MR. DUFFY: Tamil. Speak Tamil.

21 A. You ask my name as mentioned in
22 the passport?

23 BY MR. REISMAN:

24 Q. I. MURRAY

24 Q. I just want to know what your name
25 is?

15

1 A. (In English:) Charles Vaz.

2 Charles Vaz you can call me.

3 THE INTERPRETER: Charles Vaz.

4 You can call him Charles Vaz.

5 BY MR. REISMAN:

6 Q. And Vaz is V-A-Z?

7 A. (In English:) V-A-Z.

8 Q. V-A-Z. If I refer to you
9 as Charles -- I don't want to be rude or
10 impolite. If I refer to you as --

11 A. (In English:) Charles is okay.

12 Charles.

13 Q. Charles or bosun? Okay.

14 A. Yeah, my name is Charles. My rank
15 name is bosun. So on boat, they will you be
16 calling me bosun. So if you want to, you can
17 call bosun also. You can call me Charles
18 also. No problem.

19 Q. I will probably mix it up. But
20 Charles or bosun is how I'll try to refer to
21 you.

22 What is your address. Where do
23 you live?

24 A. (In English:) In India, south
25 part of India, Tuticorin.

16

1 THE INTERPRETER: Southern part
2 of India, a city named Tuticorin.

3 A. (In English:) My city name is
4 Tuticorin. Chennai.

5 BY MR. REISMAN:

6 Q. Can you spell that for me?

7 A. T-U-T-I-C-O-R-I-N.

8 Q. And what is your actual address
9 there in Tuticorin?

10 A. You mean my home address?

11 Q. Yes.

12 A. 47A Thattar Street Extension,
13 Tuticorin.

14 MR. REISMAN: Did you catch
15 that, ma'am?

16 BY MR. REISMAN:

17 Q. Can you say that a little slower?

18 A. (In English:) In Chennai. India
19 is my country, Tamil Nadu is my state.
20 Thoothukudi is my district. Tuticorin is my
21 district. My city, Tuticorin.

22 Q. What was the street address?

23 A. Thattar Street. It's Thattar
24 Street.

25 THE INTERPRETER: I'd like to as

17

1 him the spelling for it. I'm not
2 familiar with it. Okay. It's T --
3 okay. It's a cultural reference for
4 the street name. Okay. It's -- the
5 spelling is T-H-A-T-T-A-R. That's the
6 street name.

7 BY MR. REISMAN:

8 Q. And what was the number?

9 A. 47A.

10 Q. 47 --

11 A. 47A, A as in alpha.

12 Q. A as in alpha?

13 A. Yeah.

14 Q. 47A Thattar Street?

15 A. (In English:) Thattar Street.

16 Q. And where are you staying in
17 Baltimore?

18 MR. DUFFY: I'm going to object
19 to that. I agreed to accept service,
20 and I will accept service for him. I
21 would just as soon keep where he's
22 staying as confidential. And I'm
23 going to instruct him not to answer.
24 I will accept service. You can reach
25 him through me any time.

1 MR. REISMAN: I would like an
2 answer. I mean, if you're going to
3 instruct him not to answer, you know,
4 I don't think you are entitled to, but
5 you're going to do it.

6 So I just want to be clear.

7 You're instructing him not to answer?

8 MR. DUFFY: I will instruct him
9 not to answer.

10 MR. REISMAN: Will you ask him
11 if he's refusing to answer that
12 question?

13 A. (In English:) I'm staying in --

14 MR. BENNETT: She needs to
15 interpret your instruction.

16 MR. DUFFY: Yeah. Interpret my
17 instruction. Just say no.

18 THE WITNESS: No.

19 MR. REISMAN: So I'm following
20 here, and I think you've got
21 Mr. Lochner confused with Mr. Bennett.
22 I don't know if that -- if it's come
23 up before, but I see --

24 THE STENOGRAFHER: No.

25 MR. REISMAN: So is he declining

19

1 to answer the question?

2 THE INTERPRETER: Yes.

3 BY MR. REISMAN:

4 Q. How far did you go in school?

5 A. 8th grade.

6 Q. Have you had any education beyond
7 the 8th grade?

8 A. No.

9 Q. When did you first begin sailing?

10 A. 1989.

11 Q. And how old were you then?

12 A. 18 years.

13 Q. What was your date of birth?

14 A. 17-12-71.

15 Q. Remember, you just wait for me to
16 finish because she can't take what I'm saying
17 and you're saying at the same time.

18 What did you do to prepare for
19 this deposition?

20 A. Like what happened to the ship?

21 My lawyer asked me to come here to say about
22 it.

23 Q. Have you reviewed any documents to
24 prepare for your deposition today?

25 A. No.

20

1 Q. Have you reviewed any photographs?

2 A. No.

3 Q. Have you watched any videos?

4 A. No.

5 Q. Have you listened to any audio?

6 A. No.

7 Q. Did you meet with anybody besides
8 Mr. Duffy to prepare for your deposition?

9 A. No, only Duffy.

10 Q. Have you ever met with --

11 MR. DUFFY: Say who you talked
12 to yesterday.

13 A. To only Duffy yesterday and the
14 day -- video call.

15 BY MR. REISMAN:

16 Q. On a video call?

17 A. Yeah.

18 Q. Did you meet with Mr. Bennett
19 before today?

20 A. Yes.

21 Q. When did you meet with
22 Mr. Bennett?

23 A. I think yesterday is also.

24 Q. He was on the video call
25 yesterday?

21

1 A. Yesterday he was on, yeah.

2 Q. What about -- was anybody else on
3 the video call besides Mr. Duffy and
4 Mr. Bennett?

5 A. Yeah, that gentleman.

6 Q. Mr. Weigel?

7 MR. REISMAN: Raise your hand so
8 we know who he's referring to.

9 BY MR. REISMAN:

10 Q. Alan Weigel, you met with him?

11 A. The one sitting here.

12 Q. And Mr. Belknap? Did you meet
13 with those gentlemen in person or by video?

14 A. Video.

15 Q. And that was yesterday?

16 A. Yesterday.

17 Q. What about before yesterday, have
18 you met with any of those individuals either
19 in person or by video before yesterday?

20 A. I see them all.

21 Q. Mr. Bennett?

22 A. Yeah.

23 Q. Are you represented by an attorney
24 today?

25 A. Yes.

22

1 Q. Who is your attorney?

2 A. Duffy.

3 Q. Mr. Duffy?

4 A. Yeah.

5 Q. What did you discuss yesterday on
6 the video call with Mr. Duffy, Mr. Bennett,
7 Mr. Belknap and Mr. Weigel?

8 MR. DUFFY: I'm going to object
9 and claim attorney-client privilege on
10 that. He's not going to answer that
11 question.

12 MR. REISMAN: He had individuals
13 who are not in that meeting. I think
14 I'm entitled to that.

15 MR. DUFFY: No you are not.
16 He's not answering.

17 MR. REISMAN: You are
18 instructing him not to answer.

19 MR. DUFFY: Instructing him not
20 to answer.

21 MR. REISMAN: Ask with Mr. Duffy
22 before he answers.

23 MR. DUFFY: Tell the witness I'm
24 instructing him not to answer.

25 THE WITNESS: Okay.

23

1 BY MR. REISMAN:

2 Q. Are you refusing to answer my
3 question?

4 A. Yes, if Mr. Duffy says no, no.

5 Q. And I'm going to ask you again,
6 during that videoconference yesterday, did
7 you review any photographs?

8 A. No, they just talked and I
9 answered them.

10 Q. You didn't see any documents?

11 A. No. He's the person. I saw him.

12 MR. REISMAN: Mr. Belknap you
13 have been identified as being on
14 videoconference yesterday.

15 BY MR. REISMAN:

16 Q. How long did that videoconference
17 last yesterday?

18 MR. DUFFY: I'm going to object
19 to that. Attorney-client privilege
20 and I'm instructing the witness not to
21 answer.

22 A. Okay no.

23 BY MR. REISMAN:

24 Q. Are you refusing to answer the
25 question?

24

1 A. If Duffy says no, then no.

2 Q. So you are refusing to answer?

3 A. Yes.

4 Q. Have you seen any written

5 statements of crew members who were on board

6 the Dali at the time of the March 26th

7 allision?

8 A. I talked to my whole crew.

9 Q. You talked to your crew?

10 A. Yeah.

11 Q. When is the last time you talked

12 to any of Dali's crew members about what

13 happened on March 26th?

14 A. Work wise we talk regularly. I'm
15 the bosun and there are crew members under me
16 so work wise we talk always. I cannot say
17 what we talked, but normally we talk
18 regularly.

19 Q. When is the last time you talked
20 with any of the Dali crew members about what
21 happened on March 26, 2024?

22 A. I don't remember it exactly and
23 incident happened and it is normal for us to
24 talk about it. It's been a year since that
25 happened. I don't remember when was the last

25

1 time we talked or when we talked.

2 Q. Have you talked with any of the
3 Dali crew members about what happened on
4 March 26, 2024, within the last month?

5 A. You mean the last month?

6 Q. Yes.

7 A. No, they all left home.

8 Q. Have you talked to any of the Dali
9 crew members about what happened on March 26,
10 2024, since June?

11 A. March 26th?

12 Q. Yes.

13 A. There was an incident happened and
14 there were 21 members on the crew so it is
15 normal for us to talk about it. What
16 happened we talked about it. But I don't
17 remember when was the last time we talked or
18 what we talked or with whom we talked.

19 Q. Have you talked about the
20 March 26, 2024, accident since crew members
21 left to return to India in June of 2024?

22 A. No. They called me and they asked
23 about my well being, like how am I, when will
24 I come home. Like that they asked.

25 Q. Have you talked to any of the Dali

26

1 crew members other than ABs and OSs about
2 what happened on March 26, 2024?

3 THE INTERPRETER: This is the
4 interpreter speaking. I'm not
5 familiar with the term.

6 MR. REISMAN: He'll understand
7 this. Alpha bravo and Oscar Sierra.

8 BY MR. REISMAN:

9 Q. So has he talked to anybody other
10 than ABs or OSs about what happened?

11 THE INTERPRETER: Can you rate
12 the question.

13 BY MR. REISMAN:

14 Q. Has he talked to anybody about ABs
15 and OSs about what happened on March 26,
16 2024?

17 MR. BENNETT: Just note my
18 objection.

19 A. Just like I said, we were all
20 working on a single boat. It's a family like
21 kind of thing. We all reach together and we
22 all talk about. So in general we talk about
23 it.

24 BY MR. REISMAN:

25 Q. Have you talked with the master,

27

1 Captain Sabhapathy about what happened on
2 March 26, 2024?

3 A. Sabhapathy knows about it. He was
4 on board and he knows about it. He did not
5 ask me anything about it.

6 MR. REISMAN: SABHAPATHY.

7 BY MR. REISMAN:

8 Q. Captain Sabhapathy never asked you
9 what you thought happened on March 26, 2024?

10 A. He might have asked. I don't
11 remember. He did not call me individually
12 and ask about when. When we were in a group
13 he might have asked. I don't remember about
14 it.

15 Q. Did Captain Sabhapathy ever tell
16 you what he thought happened to cause the
17 accident on March 26, 2024?

18 A. No. He never shared what goes on
19 his mind. He's the boss. He's the captain.

20 Q. Did the chief engineer ever tell
21 you what he thinks caused the March 26, 2024,
22 accident no.

23 A. He's from a different department.
24 And he don't talk about this to me?

25 Q. Did any of the ship's officers

28

1 ever tell you what they think caused the
2 March 26, 2024, accident?

3 A. The company people met us like a
4 few days after the intent --

5 MR. REISMAN: Say that again.

6 A. The company people met us like 15
7 to 20 days after the incident it should be
8 like one month. And they knew about the
9 incidents since they received the machine
10 report and the on board report they met with
11 us in a group and asked us not to worry and
12 they conferred with us.

13 BY MR. REISMAN:

14 Q. So thank you but that didn't
15 answer my question. My question is did any
16 of the ship's officers tell him what they
17 thought caused the March 26, 2024, accident?

18 A. No nobody does.

19 Q. Which Synergy management employees
20 did you meet with within a month after the
21 accident?

22 MR. BENNETT: Just note my
23 objection.

24 A. Captain Jitinder and Captain Eajit
25 Kumar came onboard.

1 BY MR. REISMAN:

2 Q. Can you spell those names for her
3 because she won't get those otherwise?

4 A. (In English:) You want the names?

5 MR. DUFFY: Jitinder,

6 J-I-T-I-N-D-E-R. And Eajit Kumar.

7 THE WITNESS: (In English:)

8 Captain Eajit Kumar. And also an
9 engineer.

10 MR. DUFFY: Do you know his
11 name?

12 THE WITNESS: (In English:)
13 Yeah, Raju.

14 THE INTERPRETER: You want the
15 spelling for it? Eajit Kumar is
16 E-A-J-I-T, K-U-M-A-R and Raju,
17 R-A-J-U.

18 BY MR. REISMAN:

19 Q. Do you know what their job titles
20 or positions are, their ranks?

21 A. I don't know. They are the with
22 the office.

23 Q. Did they come from the office in
24 India to meet you in Baltimore?

25 A. All three are Indians, but I'm not

30

1 sure for where they visited us.

2 Q. Did they ask you what you thought
3 happened to cause the accident?

4 A. They did not talk anything about
5 the accident. They just talked to give us
6 comfort, to support us.

7 Q. Have you heard anybody who was on
8 the Dali on March 26th say what they thought
9 caused the accident?

10 A. They did not talk anything
11 specific to me. But when we talk in a group,
12 they say that the generator failed or the
13 power lost or the control got cut. They just
14 talked in groups.

15 Q. Can you repeat that? I'm sorry.

16 A. The generator failed or the power
17 lost or the control got cut. They talked
18 like this when they were discussing in the
19 group, not to me.

20 Q. Did you hear anybody explain why
21 they thought the generator failed or the
22 power was lost?

23 A. No, nobody said about it. That's
24 technical department, and I'm not in that
25 department, so I don't know about that.

1 Q. Throughout the deposition, I've
2 already used the word "the accident," and I
3 will use it more. When I say "the accident,"
4 I'm referring to the March 26, 2024, accident
5 between the Dali and the Francis Scott Key
6 bridge.

7 Do you understand that?

8 A. (In English:) Yes, yes. I know.

9 Q. When did you first start working
10 with Synergy?

11 A. 2010.

12 Q. In what capacity? What was your
13 rank when you joined?

14 A. AB.

15 Q. When did you first start sailing
16 as an AB for any company?

17 A. (In English:) As an AB? As the
18 AB, are you asking me, or when I started the
19 career?

20 Q. Any carrier as an AB, when?

21 A. (In English:) AB I started in --
22 I have to see the CV.

23 Q. You don't know?

24 A. (In English:) I don't know
25 exactly.

32

1 Q. If you don't know the answer to my
2 question, just tell me you don't know.

3 That's okay.

4 A. (In English:) Okay.

5 Q. I'm going to hand you now, Bosun,
6 a copy of a document that's labeled Synergy
7 Maritime Private Limited Curriculum Vitae for
8 you.

9 MR. REISMAN: Here's one for the
10 witness.

11 THE INTERPRETER: Who was it
12 given to? Is it for me?

13 MR. DUFFY: Just hold that.
14 Just hold that. He's going to ask him
15 questions about it.

16 MR. REISMAN: What I want to him
17 to do right now is just to look at it
18 and tell me when he has had a chance
19 to review it.

20 (Off-record discussion.)

21 THE WITNESS: What should I do
22 with this?

23 MR. REISMAN: I just want him to
24 look at it and tell me when he has had
25 a chance to review it, and then I will

33

1 ask him some questions.

2 THE WITNESS: Okay.

3 MR. REISMAN: In the meantime,
4 we are going to attach a copy of this
5 document which bears Bates label
6 31437, and that's Petitioner 31437
7 through Petitioner 31439 as
8 Exhibit 28.

9 (Exhibit 28 was marked for
10 identification.)

11 DOC TECH: Counsel, what tab number
12 is that?

13 MR. REISMAN: B as in boy. I'm
14 sorry.

15 THE STENOGRAPHER: Who was
16 speaking?

17 MR. REISMAN: That's the
18 document handler.

19 THE STENOGRAPHER: Okay.

20 THE WITNESS: This is my
21 occupation form. They have sent it.

22 And --

23 MR. DUFFY: Wait for a question.
24 Wait for a question.

25 MR. REISMAN: But he said it, so

34

1 you need to translate that. What did
2 he say?

3 THE INTERPRETER: It is my
4 application form, and they have sent
5 it.

6 BY MR. REISMAN:

7 Q. Okay. Mr. Charles, you've had a
8 chance to review this document now?

9 A. Yes.

10 Q. And you have -- you describe it as
11 your application?

12 A. This is my service record. They
13 have sent it to me.

14 Q. So have you seen this before?

15 A. No, I have not.

16 Q. But you have now reviewed it. Do
17 you agree that it's accurate?

18 A. They have mentioned the details.
19 This detail starts only from '22 -- from
20 2002. Before -- the details before that is
21 not given here because I will not have got
22 the CDC stamp before that.

23 Q. You're referring specifically to
24 the section of service records which lists
25 the different contracts and ships that you

35

1 have worked on in your career, correct?

2 A. (In English:) Yes.

3 Q. That service record portion of
4 this document only goes back to 2002, but is
5 it otherwise accurate?

6 A. Yes.

7 Q. You've never worked on the Dali
8 before you joined that ship on October 18,
9 2023, correct?

10 A. No.

11 Q. Am I correct?

12 A. Yes.

13 Q. Before you joined the Dali in
14 October of 2023, did you have any kind of a
15 meeting in India to familiarize you with that
16 ship?

17 A. Not about the ship. When you join
18 any ship, they'll have a meeting kind of
19 thing like a briefing. They say everything
20 about the safety, and it's called
21 pre-joining.

22 Q. Is the pre-joining -- does that
23 take place in India?

24 A. Yes.

25 Q. And it just talks about general

1 Synergy safety policies and procedures?

2 MR. BENNETT: Objection.

3 A. (In English:) Yes.

4 MR. REISMAN: What's the
5 objection?

6 MR. BENNETT: To form.

7 MR. REISMAN: What's the basis
8 of it?

9 MR. BENNETT: You used the word
10 "general" -- object to the form in the
11 way you asked it and the way you used
12 it.

13 MR. REISMAN: Ask him if he
14 understands my question.

15 THE WITNESS: Yes, you asked if
16 the pre-joining meeting happened in
17 India, and I said yes.

18 BY MR. REISMAN:

19 Q. And that meeting covered Synergy's
20 policies -- general policies and procedures,
21 correct?

22 A. Yes, it was the general meeting
23 which talks about the safety, company
24 policies, et cetera. It happens with all the
25 companies.

1 Q. And in that pre-joining meeting in
2 India, was anything specific to the Dali
3 covered?

4 A. The briefing is conducted for all
5 the people who goes to different ships. It's
6 not only specific for Dali. So people
7 normally ask to which ship you go to or to
8 which team you are assigned to. It's -- we
9 just talk about. It's nothing specific to
10 Dali.

11 Q. And in that meeting that you
12 attended before you joined the Dali in
13 October of 2023, were there other crew
14 members who were going to other container
15 ships?

16 A. Yes.

17 Q. Were all of your required
18 certificates up to date when you joined the
19 Dali on October 18, 2023?

20 A. Yes.

21 Q. And you had never worked on any of
22 the Dali's sister ships before you went to
23 work on the Dali in October of 2023, correct?

24 A. No.

25 Q. Am I correct? Ask --

1 A. (In English:) Yes, you are
2 correct.

3 Q. Thank you.

4 MR. REISMAN: You got that,
5 ma'am?

6 BY MR. REISMAN:

7 Q. And you had never worked on any
8 ship that was similar to the Dali before you
9 joined the Dali in October of 2023, correct?

10 A. Correct. They call it sister
11 ship. It's the same system just like Dali.
12 They are asking about it.

13 THE INTERPRETER: He's
14 explaining it to me. This is the
15 interpreter speaking. He's explaining
16 what a sister ship --

17 MR. REISMAN: He's explaining
18 what a sister ship is. Okay.

19 BY MR. REISMAN:

20 Q. When you got to the Dali on
21 October 18, 2023, did you have a hand-over
22 meeting with the bosun you were relieving?

23 A. Yes, it happened. They tell
24 me -- they told me everything about the work.
25 It happens for every crew member.

1 Q. And you reported to the Dali or
2 joined the Dali in Colombo, Sri Lanka,
3 correct?

4 A. Yes.

5 Q. And did you travel to Colombo with
6 the other crew members who were joining the
7 Dali that day?

8 A. Yes.

9 Q. And did that include the Master,
10 Captain Sabhapathy?

11 A. Yes.

12 Q. Did that include the electrician,
13 Chaminda Kariyawasam.

14 A. (In English:) He's from Sri
15 Lanka, so we came from India. He joined us
16 with the -- in Sri Lanka.

17 Q. Do you remember what time of day
18 you arrived at the Dali on October 18, 2023?

19 A. (In English:) Maybe afternoon or
20 evening. I don't know.

21 Q. Afternoon or evening?

22 A. (In English:) What time, I don't
23 exactly remember, but maybe --

24 (Through the interpreter:) I don't
25 remember the exact time but somewhere around

40

1 the afternoon or evening.

2 Q. Do you remember what time the Dali
3 left the Port of Colombo that day?

4 A. I don't remember. I cannot
5 say -- we go to several ports, and we depart
6 from it. We should check the records for it.

7 Yeah, I don't remember.

8 Q. Do you remember how long after you
9 arrived on the Dali the off-signing crew left
10 the ship?

11 A. I don't remember it exactly.
12 After the handing over, they might have left
13 with four or five of us. But I'm not sure.
14 Maybe we reached in the afternoon. They
15 might have left during night. I'm not sure
16 about it.

17 Q. How long did your hand-over
18 meeting last?

19 A. Like I said, the handing over will
20 happen until they leave. They be already
21 with their luggages packed before we reach.
22 And once we reach, they'll do the hand-over,
23 and then they leave.

24 MR. REISMAN: Does he know how
25 long it lasted?

1 BY MR. REISMAN:

2 Q. Was it an hour, two hours, more or
3 less?

4 A. I don't remember it.

5 MR. REISMAN: Joshua, if you
6 could pull up Document M as in
7 Michael, please.

8 I'm handing the witness now a
9 document that bears Bates labels
10 Petitioner 11525, and then 11590
11 through 11591. I will represent that
12 this is an excerpt of the Synergy Ship
13 Management Manual with a revision date
14 of 2 February 2024.

15 BY MR. REISMAN:

16 Q. And I would ask you to take a look
17 at this document, sir, particularly
18 Section 7.6, which is titled Bosun's Duties.

19 Can you look at that? It's on the
20 second page.

21 MR. DUFFY: Look at it, and wait
22 for him to ask a question about it.

23 BY MR. REISMAN:

24 Q. Have you reviewed it?

25 A. (In English:) Yeah.

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1 Q. Had you ever seen this before
2 today?

3 A. (In English:) We onboard, we see
4 it.

5 Q. Onboard --

6 A. (In English:) Onboard is
7 sometimes we are seeing that.

8 Q. So this document comes from the
9 ship management -- excuse me, the ship
10 management manual, correct?

11 A. (In English:) Yes.

12 Q. And you have access to this manual
13 onboard the ship?

14 A. Yes, it will be there. If you
15 want, we can take it and read it.

16 Q. You can take it and read it?

17 A. Yeah.

18 Q. But you have personally -- you
19 have read this portion of the ship management
20 manual which describes the bosun's duties
21 before?

22 A. Yes, I have read it. Sometimes
23 they read it to us. They say that this is
24 the bosun's duties. So I know about it.

25 Q. I would like you to look on -- it

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1 says, at the top right, Page 10 of 22. So
2 it's the third page of what I've handed you.
3 One of the responsibilities it says is to
4 familiarize yourself with all
5 checklists relevant to the duties carried out

6 --

7 THE INTERPRETER: This is the
8 interpreter speaking. I'm sorry the
9 interrupt. Where is that?

10 MR. REISMAN: So it's on the
11 third page of the attachment.

12 MR. BENNETT: Second bullet
13 point down.

14 THE INTERPRETER: He wants to
15 read it.

16 MR. REISMAN: Okay.

17 THE INTERPRETER: No, he wants
18 you to read it.

19 MR. REISMAN: You want me to
20 read it? Okay.

21 BY MR. REISMAN:

22 Q. Are you able to read it in
23 English?

24 THE INTERPRETER: Okay. He's
25 asking me to read it.

1 MR. REISMAN: Okay. He wants
2 you to read it to him in Tamil?

3 THE INTERPRETER: Yes, I'll read
4 it in...

5 (Reviewing document.)

6 BY MR. REISMAN:

7 Q. So you were to follow the
8 procedures to operate things safely onboard
9 the ship; is that right?

10 A. (In English:) Yes, sir.

11 Q. And you were also to familiarize
12 yourself with all equipment relevant to the
13 performance of your duties including safety
14 and emergency equipment and procedures,
15 correct?

16 A. One moment, please.

17 (Reviewing document.)

18 A. Yes, right.

19 Q. And that would include the anchor
20 handling equipment, the windlass, the
21 hydraulic brake, the manual brake. All of
22 that equipment is included within your
23 responsibilities?

24 A. Yes.

25 Q. And at the bottom, it says: Note

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1 any deficiencies and/or irregularities
2 regarding equipment and procedures to be
3 reported to the chief officer.

4 A. Yes.

5 Q. And you reported -- your job as
6 bosun, you reported directly to the chief
7 officer, correct?

8 A. (In English:) Yes, correct, sir.

9 Q. The chief officer is your
10 supervisor?

11 A. (In English:) Yes, sir, my boss.

12 Q. Your boss?

13 A. (In English:) Yes.

14 Q. You had other responsibilities
15 onboard the Dali besides just the ones that
16 are listed in this section of the ship
17 management manual, correct?

18 A. Yes, I had maintenance reviews and
19 such things.

20 Q. You also would serve as a lookout?

21 A. Okay. Lookout is not my job. It
22 is the AB's job, but if the AB is not feeling
23 well or if there's a shortage of manpower, I
24 assist him.

25 Q. Did you ever receive any training

1 on how to serve as a lookout on the Dali?

2 A. It comes with experience. And
3 they give us a certificate, like called a
4 watch-keeping certificate, and everybody has
5 it. AB and OS and everybody has it.

6 Q. Did anybody on the Dali ever give
7 you any instructions on what they wanted you
8 to do when you served as lookout on that
9 ship?

10 A. I already know about it. Since
11 I'm a bosun, I was already as an AB and then
12 I moved on to bosun, and so I know about it.

13 Q. So nobody explained to you what
14 they wanted you to do when you served as a
15 lookout on the Dali, correct?

16 A. (In English:) What are you
17 asking, about the lookout on the bridge or on
18 the bow?

19 Q. I'm sorry. I didn't understand.

20 A. (In English:) You are asking
21 about lookout. So that lookout -- what
22 you're asking about the bridge or forward.

23 Q. On the forecastle, on the bow.

24 A. (In English:) On bow. Yeah, bow
25 means I'm only doing that. Sorry, I thought

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1 -- sorry, I thought that the AB's job is on
2 bridge only.

3 Q. On the bridge?

4 A. (In English:) On the bow, me
5 only. I am. That's my job.

6 Q. So let's go back and we'll
7 clarify. And, again, if you're not sure what
8 I'm asking or it doesn't make sense, just
9 tell me that, and we'll try and make it make
10 sense for you. All right?

11 MR. DUFFY: Just for the
12 witness, listen to the question. Try
13 to answer the question he's asking.

14 You're -- if you don't understand, ask
15 him to ask it another way. But you're
16 answering some things that he's not
17 asking.

18 THE WITNESS: (In English:)

19 He's asking about lookout now. Said.

20 (Simultaneous unreportable crosstalk.)

21 MR. DUFFY: He knows what he's
22 asking about, but he wants to make sure
23 you know what you're asking --

24 THE WITNESS: (In English:)

25 Yes.

1 MR. DUFFY: So listen to the
2 court reporter and think.

3 THE WITNESS: (In English:)

4 Okay, sir.

5 BY MR. REISMAN:

6 Q. So let's go back.

7 A. (In English:) Yes, sir.

8 Q. One of the jobs that you performed
9 on the Dali was to stand on the bow and serve
10 as a lookout; is that correct?

11 MR. BENNETT: Note my objection.

12 A. Yes, there was standby, yes.

13 MR. REISMAN: I can't hear you.

14 THE INTERPRETER: There was
15 standby, yes.

16 A. It's not lookout. It's called
17 standby. Sometimes the captain asked to
18 stand by on the bow, and we do that. It's
19 not always.

20 BY MR. REISMAN:

21 Q. So did you ever serve as the
22 lookout on the bow of the Dali?

23 A. Sometimes the captain asks us to
24 look out for it since we are on standby.
25 When they see something from the -- some ship

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1 approaching us, they ask us to do the
2 lookout, and we do that.

3 Q. What -- when you were serving as
4 the standby, what is your job? What are you
5 doing?

6 A. I make the anchor to -- I ready
7 the anchor to let go, and then I will be on
8 standby.

9 Q. So when you're standing by, that
10 means you're standing by to let go the
11 anchor?

12 A. Once the ship sails out, it will
13 be always on the let go position. I just
14 check everything once, and then I will be on
15 standby.

16 Q. Where would you be positioned when
17 you were standing by?

18 A. On the bow, on the top.

19 Q. Where on the bow?

20 A. Wherever on the bow like on
21 starboard or on the boat. Anywhere on the
22 bow.

23 Q. Were you told to stand by in a
24 particular position or you just could decide
25 wherever you wanted to be?

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1 A. They'll ask us to be on standby in
2 the forward. So it's a small location.
3 We'll be there.

4 Q. Would you have a place to sit
5 there or did you have to stand?

6 A. There's no place for us to sit.
7 We'll just stand. Sometimes there is
8 something called a bit, to be like a tall
9 stool, and we sit on that.

10 Q. Was there a stool like that on the
11 Dali?

12 A. It's not stool. It's not --

13 (In English:) It's a bit, which
14 ones we are tying up on the ship.

15 Q. A bit? Okay. So you sit on a bit
16 sometimes?

17 A. (In English:) Sometimes.

18 Q. Okay.

19 A. (In English:) Long time I'm
20 standing. Sometimes I'm resting.

21 Q. How far is that bit -- well, back
22 up.

23 I assume there's a bit on both the
24 starboard and portside of the bow?

25 A. Yes.

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1 Q. How far is the port bit from the
2 port anchor windlass?

3 A. Bit is not a single thing. It
4 will be several bits there. Just like
5 pillows in a house. So we'll sit on the bit,
6 which is closer to the anchor.

7 Q. And how close is that bit from the
8 port anchor windlass?

9 A. It's less than 50 seconds. It's
10 not even --

11 (In English:) Two, three seconds
12 only. Like this only.

13 Q. Two or three seconds away -- it
14 would take you two or three seconds to get
15 from the bit to the port windlass?

16 A. Yes, it will be so nearby.

17 It will be so nearby.

18 MR. REISMAN: So nearby?

19 THE INTERPRETER: Yeah.

20 MR. REISMAN: Okay.

21 A. It's just like where she sits.

22 BY MR. REISMAN:

23 Q. The distance, five feet maybe?

24 A. (In English:) Yeah two, four
25 feet, yeah.

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1 Q. Who is responsible for getting the
2 anchor set up for departure?

3 A. The anchor will be ready always.

4 It will be ready when it comes in.

5 Q. Well, before you depart, does the
6 chief officer come and make sure that the
7 anchor is set up properly for departure?

8 A. Yes, chief officer, me, and then
9 an assistant who is responsible for the
10 anchor.

11 Q. Is the assistant an OS?

12 A. Assistant is based on sometimes we
13 call an AB, sometimes we call an OS. Mostly
14 it will be an OS, but chief officer and bosun
15 would be there always.

16 Q. So every time the Dali arrived or
17 departed a port, you were up on -- well,
18 while you were onboard, you would have been
19 positioned on the bow with the anchors?

20 A. The captain assisted too.

21 Q. So you would be there?

22 A. Will not be there always.

23 Whenever the captain asks us to go there and
24 be on standby, we'll do that.

25 Q. I'm not asking about standby right

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1 now. What I'm asking is before the Dali
2 would depart a port, would you always be
3 positioned on the bow with the anchors?

4 A. When a ship departs, we remove the
5 ropes. We --

6 MR. REISMAN: If he said it -- I
7 know -- let her finish, and then after
8 that, give it.

9 MR. DUFFY: He's not asking
10 that.

11 MR. REISMAN: I know that, but
12 he said it, and so it's got to be
13 translated and then you can instruct
14 him.

15 A. When the ship departs, we remove
16 all the ropes, and once the ship is safely
17 out, when it is secure, sometimes the captain
18 asks us to do that. On those times, we will
19 do that, or else we would not.

20 MR. DUFFY: I'm just going to
21 ask the reporter, just remind him,
22 listen to the question and answer what
23 he's asking, not something else. Ask
24 what he's asking.

25 THE WITNESS: (In English:) All

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1 rope is cast up, everything is secure.

2 And then captain will ask me to come

3 back to cabin. And then only I come.

4 Okay. That will do. You're going to

5 come to cabin, come to our cabin, and

6 then I come.

7 THE STENOGRAPHER: I can't

8 understand him.

9 THE INTERPRETER: After

10 everything, the captain asks us to

11 come back to the cabin, and then we'll

12 move back to the cabin.

13 MR. DUFFY: Just calm down.

14 He'll start over, but listen. Listen.

15 BY MR. REISMAN:

16 Q. Listen to your lawyer. Answer the

17 question that I'm asking. If you don't

18 understand the question, tell me or tell her.

19 Okay? All right?

20 So let's start with this. You

21 joined the Dali on October 18, 2023, right?

22 A. Yes.

23 Q. And while you were onboard the

24 Dali, were you assigned to stand -- strike

25 that.

55

1 While when you were on the Dali,
2 were you assigned to assist the chief officer
3 in preparing the anchors for departure each
4 time the Dali left the port?

5 A. I don't understand that.

6 Q. Before the Dali would depart from
7 a port, somebody had to go check the anchors,
8 right?

9 A. Yes.

10 Q. You had to make sure that the
11 anchors were ready for departure, right?

12 A. Yes.

13 Q. Were you one of the people that
14 was always assigned to go check on the
15 anchors before departure on the Dali?

16 A. I will have to move to the station
17 to remove the ropes, so anyway I will be
18 going to the forward, so I will check
19 everything then.

20 Q. But was that your job?

21 A. Yes.

22 Q. And every time the Dali would
23 depart, that was your job?

24 A. Yes.

25 Q. How many times do you think you

56

1 did that on the Dali?

2 A. Every time we -- every time the
3 ship arrives at a port, the captain asks us
4 to do the extra lashing. So it's called a
5 sea securing. We do that. And likewise,
6 every time the ship departs a port, we take
7 care of that.

8 THE INTERPRETER: This is the
9 interpreter speaking. Looks I did
10 something wrong.

11 MR. REISMAN: I think you
12 reversed it.

13 THE INTERPRETER: Yeah.

14 MR. REISMAN: Let me ask -- let
15 me clarify.

16 BY MR. REISMAN:

17 Q. When the ship would depart, the
18 anchors would have to be fastened for sea,
19 correct?

20 A. Yeah.

21 Q. When you arrived, they would have
22 to be prepared for arrival?

23 A. (In English:) Yes, sir. Correct,
24 sir. You're right. When ship is coming to
25 port --

3 (Unintelligible.)

4 BY MR. REISMAN:

5 Q. Slow down. Slow down.

6 A. (In English:) When ship is coming
7 into port, the master is saying me to remove
8 the extra lashing.

9 Q. Remove the installation?

10 A. The extra lashing.

11 MR. BENNETT: Extra lashing.

12 MR. DUFFY: Extra lashing.

13 A. (In English:) Lashing. We are
14 taking the extra lashing on the anchor for
15 the sea -- sea secure. So we are removing
16 that one. So removing the extra lashing and
17 making anchor for the let go position. That
18 is -- ship is coming into the port. All
19 cargo operation is finished. Again,
20 departure from the port. Still that person
21 only.

22 THE STENOGRAPHER: I can't
23 understand him.

24 MR. REISMAN: Again, departure
25 from the port.

1 THE WITNESS: (In English:)

2 Again, departure from the port.

3 MR. REISMAN: Slow -- look at
4 her and slow.

5 THE WITNESS: (In English:)

6 Again, departure from the port. The
7 anchor position is still like this
8 only, ready to let go. So when I'm
9 going at the departure station for the
10 leave the ship, leave the ropes, that
11 time, once I'm taking cross checking,
12 I checked the pin already removed, I
13 making the post -- all of it -- okay.

14 (Unintelligible.)

15 MR. REISMAN: She's not able to
16 understand you. So --

17 MR. BENNETT: Let's go through
18 the interpreter.

19 MR. REISMAN: I agree.

20 THE INTERPRETER: I will ask him
21 to say the information in shorter
22 segments.

23 MR. REISMAN: All right. Well,
24 I'm going to object that it's
25 nonresponsive because it's not what I

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1 was asking.

2 MR. DUFFY: Sorry.

3 MR. REISMAN: I know. Well, I

4 know. So --

5 MR. BENNETT: I think he's

6 trying to help you out.

7 MR. REISMAN: Well, we are going
8 get there, just not right now. So
9 that's not the question. If you want
10 to her to go through the whole answer,
11 I will allow that, but that's not what
12 I asked.

13 MR. DUFFY: Just try to ask a
14 little shorter questions.

15 MR. REISMAN: I couldn't have
16 asked a shorter question. Did you do
17 it every time? The question was very
18 short.

19 MR. DUFFY: Ask it again, just
20 -- what are you trying to ask?

21 MR. REISMAN: I want to know if
22 he's up there every time before
23 departure checking the anchor
24 condition.

25 MR. DUFFY: I think he answered

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1 yes, but --

2 MR. REISMAN: Well, I do too,
3 but it doesn't matter what you asked
4 him.

5 THE WITNESS: Yes.

6 BY MR. REISMAN:

7 Q. And how many times do you think
8 you did that on the Dali?

9 A. I was trying to explain it.

10 MR. REISMAN: All right. I'm
11 not asking what he did. So tell him
12 that. I'm not asking what he did.

13 How many times was he assigned
14 to stand on the bow and check the
15 anchor before the ship departed?

16 THE WITNESS: We'll do it on
17 every departure.

18 MR. REISMAN: Does he have an
19 estimate of how many times he did it
20 onboard the Dali?

21 THE WITNESS: I don't remember
22 that.

23 BY MR. REISMAN:

24 Q. It was a lot?

25 MR. BENNETT: Just note my

1 objection.

2 A. Several times. Several times.

3 BY MR. REISMAN:

4 Q. And you were familiar with the
5 process and the procedure?

6 A. Yes.

7 Q. Did you have any training on how
8 to prepare the anchor for arrival or
9 departure or was that just something you
10 learned on the job?

11 A. It's comes out of experience.

12 That's the duty of bosun, and it comes out of
13 experience.

14 Q. So no formal training, just
15 on-the-job experience?

16 A. Yes.

17 Q. When the ship was in port, what is
18 your work schedule?

19 A. Once the ship is tied, we do the
20 gang thing, and there will be cargo operation
21 and the crew --

22 THE INTERPRETER: He's trying to
23 explain it.

24 MR. REISMAN: Just ask him. I
25 think he's giving me more than I ask.

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1 Does he work a set schedule, a
2 watch while the ship is in port?

3 THE WITNESS: (In English:)

4 Yes, sir. I'm on the general duty for
5 in port that my OS and the AB is
6 keeping watch -- cargo watch. I'm
7 assisting them. And my
8 duty is general duty. So morning to
9 evening, I be up on the deck, and in
10 case of any job, and nighttime also,
11 they will call me. I will come and
12 attend that job.

13 BY MR. REISMAN:

14 Q. Okay. So do you have a fixed
15 watch schedule, certain hours that you work?

16 A. (In English:) I have five person
17 -- no fixed watches, sir. So general duty,
18 morning to evening.

19 Q. Whatever is needed?

20 A. (In English:) Whatever is needed.

21 Q. What about when the ship is at
22 sea?

23 A. (In English:) Sea also, the
24 general duty. They're the same thing.

25 Q. You're just on call to work as

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1 needed?

2 A. (In English:) Yes, sir.

3 Q. You don't stand a watch?

4 A. (In English:) I don't ever watch,
5 but morning to evening, I have to work on the
6 deck. Nighttime, in case of any job, they
7 will call me. I will attend it.

8 Q. Do you remember being interviewed
9 by the NTSB and United States Coast Guard on
10 March 28, 2024?

11 A. (In English:) Yes, sir, the NTSB.

12 Q. The NTSB and the Coast Guard?

13 A. (In English:) Yes, sir.

14 Q. And they sat down and they
15 interviewed you?

16 A. (In English:) Yes, sir.

17 Q. And they told you they were going
18 to record it?

19 A. I'm not sure about the recording
20 part, but they asked us questions.

21 Q. They asked you -- you
22 particularly, they sat with you and asked you
23 questions, right?

24 A. (In English:) Yes, sir. Yes,
25 sir.

1 Q. And you knew when they were asking
2 you questions that they were part of the
3 United States Government that was
4 investigating --

5 A. (In English:) Yes, sir.

6 Q. -- the accident, right?

7 A. (In English:) Yes, sir.

8 Q. So you were truthful with them,
9 weren't you?

10 A. (In English:) Yes, sir. Correct,
11 sir.

12 Q. Everything you said to them was
13 true?

14 A. (In English:) Yes, sir.

15 Q. You didn't leave anything out, did
16 you?

17 A. Yes.

18 MR. REISMAN: Hang on. Did he
19 leave anything out?

20 THE WITNESS: (In English:) No.

21 He was asking when in port, are you
22 keeping watch or something?

23 BY MR. REISMAN:

24 Q. Well, hang on. Let's answer this
25 question first. We'll go back to that one if

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1 you want to clarify it. That's fine. But
2 let's answer this question first.

3 The question is, when the NTSB and
4 Coast Guard interviewed you on March 28,
5 2024, were you truthful with them?

6 A. (In English:) Yes, sir. Correct,
7 sir.

8 Q. You told the truth?

9 A. (In English:) Yes, sir.

10 Q. And did you leave anything out?

11 A. I missed something, which I told
12 you now.

13 Q. Oh, so something you told the
14 Coast Guard and NTSB --

15 A. (In English:) But which one you
16 was asking me? In port, are you keeping
17 watch duty? So as far as I'm bosun, for me,
18 no watching. So I'm keeping on the general
19 duty. And at the departing port that
20 lasted -- the incident where before the
21 depart, I was keep watch on the deck.

22 Morning, 6 to 12 --

23 Q. 6 to what?

24 A. -- morning 6 to afternoon 12, and
25 the evening 1800 to 24 hours.

1 (Reporter clarification.)

2 THE STENOGRAPHER: I can't --

3 MR. REISMAN: Hang on.

4 BY MR. REISMAN:

5 Q. So in the morning, you worked the
6 watch from 6 --

7 A. (In English:) To 12.

8 Q. 6:00 to 12?

9 A. (In English:) In the evening.

10 Q. So 6:00 a.m. to noon?

11 A. (In English:) Noon.

12 Q. And then in the evening --

13 A. (In English:) To 1800.

14 Q. -- 6:00 p.m., 1800 --

15 A. (In English:) Yeah.

16 Q. -- to midnight?

17 A. (In English:) Yeah.

18 Q. To 2400?

19 A. (In English:) Because one man was
20 shortage.

21 Q. Because you were short a man?

22 A. (In English:) Short a man. He's
23 already gone home. The one man was short.
24 The chief has asked me to keep the watch on
25 the gangway, so I was there.

1 Q. So was that before or after the
2 accident that you were keeping that watch?

3 A. (In English:) Before accident.

4 Q. Before the accident?

5 A. (In English:) Before the
6 accident.

7 Q. So the ship arrived in Baltimore,
8 I think, March 23, 2024, and departed on
9 March 26, 2024 --

10 A. (In English:) Yes, yes.

11 Q. Wait for me to finish.

12 So the ship arrived in Baltimore
13 on March 23rd and attempted to depart on
14 March 26th, correct?

15 A. (In English:) Yes, sir.

16 Q. And in that period of time from
17 March 23rd to March 26th, you actually stood
18 a watch?

19 A. (In English:) Yes, yes.

20 Q. Because the crew was short a man?

21 A. (In English:) Yes, correct.

22 Q. Who was the man that you was short
23 -- that you were short? What was his
24 position?

25 A. (In English:) A cadet.

1 Q. A cadet? So you had to fill in
2 for the cadet?

3 A. (In English:) The cadet was
4 keeping watch on the gangway. So he's -- one
5 day before of sailing, I think so.

6 (Through the interpreter:) The
7 cadet was on watch, and he left one day
8 before sailing.

9 The cadet was on watch, and he
10 left one day before sailing, so he was on
11 watch.

12 Q. So he left the day before the ship
13 departed?

14 A. (In English:) Yes, sir.

15 Q. Okay. And in addition to standing
16 watch at the gangway, you also had to do all
17 of your other job responsibilities, correct?

18 MR. BENNETT: Just note my
19 objection.

20 A. (In English:) Yes, sir. I'm
21 staying on the gangway, and I tell my crew,
22 the AB, they taking around chasing the cargo.
23 Anything else they're putting me.

24 BY MR. REISMAN:

25 Q. Between midnight -- excuse me.

1 Strike that.

2 Between noon and 1800, did you do
3 any work on the Dali on March 25th?

4 A. (In English:) No, sir. No, sir.

5 Q. What did you do at that time?

6 A. (In English:) That time I'm
7 taking rest because already I was 6 to 12. I
8 was already done switched to 30. It's
9 evening 6:00, I have to go back on the watch.
10 So that 12 to 6, I was off time. I was
11 taking rest.

12 Q. And you think -- you explained
13 that to the Coast Guard and the NTSB or you
14 did not explain that to them?

15 A. (In English:) I don't remember,
16 sir. Now you're asking me now in port what
17 your job. That's only I'm telling you. I
18 don't remember. A lot I don't remember.

19 Q. Let's go back to the Coast Guard
20 and NTSB interview. Okay?

21 A. (In English:) Okay, sir.

22 Q. You said you told the truth to
23 them, right?

24 A. (In English:) Yes, sir.

25 Q. Did you leave anything out? When

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1 they asked you questions, did you tell them
2 everything in response to those questions, or
3 did you leave things out?

4 A. I said -- I told the whole answer.

5 Q. Have you reviewed a transcript of
6 your interview with the NTSB? Have you ever
7 seen this transcript?

8 A. I don't know.

9 Q. You might have, you just don't
10 remember?

11 A. Yes, might be.

12 Q. But you remember the interview?

13 A. Yes, I remember the interview.

14 Q. When you're on -- strike that.

15 When you were onboard the Dali,
16 did you typically talk with the crew in
17 Tamil?

18 A. I talk in Tamil. There are other
19 people -- there are other Indians from other
20 states, so I talk in Hindi, and sometimes I
21 talk in English. So with Tamil people, I
22 talk in Tamil, and with others I talk in
23 Hindi.

24 Q. Well, most of the crew on the
25 Dali, when you were on board, spoke Tamil?

1 A. Yes.

2 Q. So most of the conversations
3 onboard the ship were on Tamil?

4 MR. BENNETT: Just note my
5 objection.

6 A. Since there were more Tamil
7 people, we normally talk in Tamil.

8 BY MR. REISMAN:

9 Q. So while you were onboard the
10 Dali, most of the conversations that you
11 heard were in Tamil?

12 A. Yes.

13 Q. And when you communicated with the
14 chief officer, would you talk to him in
15 Tamil?

16 A. Yes, he's also from Tamil -- he
17 also knows Tamil, so I talk in Tamil.

18 Q. And what about the master? When
19 you spoke with the master on the Dali, did
20 you speak in Tamil?

21 A. Yes, he's -- he also knows Tamil,
22 so I talked to him in Tamil. Sometimes he
23 also speaks Hindi or English.

24 Q. And when you communicated with the
25 ABS and the OSs on the Dali, you spoke to

1 them in Tamil?

2 A. Yes, I talk in Tamil, but if
3 they're from other states, I talk in other
4 language, but most of the people in my crew
5 are from Tamil Nadu or Karela, and both the
6 states talk Tamil, so the majority of it is
7 in Tamil.

8 Q. Do you remember anybody onboard
9 the Dali who spoke a language other than
10 Tamil?

11 A. Yes, there are.

12 Q. Who do you remember that spoke a
13 language other than Tamil?

14 A. Second officer, cadet, electrical
15 officer, one of the oilers, I guess, and also
16 chief cook. I don't remember the others but
17 there are people.

18 Q. You said the electrical officer
19 did not speak Tamil?

20 MR. DUFFY: Objection. That
21 misstates the testimony.

22 MR. REISMAN: I don't think it
23 does.

24 MR. DUFFY: Well, he didn't say
25 that. So ask him a different

1 question.

2 BY MR. REISMAN:

3 Q. Did you say that the electrical
4 officer does not speak Tamil?

5 A. Electrical officer is from Sri
6 Lanka.

7 Q. And so does he speak Tamil?

8 A. (In English:) No.

9 Q. And that's what you said before,
10 right?

11 A. (In English:) Yeah, yeah.

12 MR. BENNETT: That wasn't the
13 question you asked.

14 MR. REISMAN: It wasn't what I
15 asked, but it's what said.

16 MR. WALKER: That's what the
17 court reporter heard and transcribed.

18 MR. REISMAN: Yeah, because
19 that's what I said.

20 BY MR. REISMAN:

21 Q. Did you know the electrician -- or
22 strike that.

23 Did you know the electrical
24 officer?

25 A. Yes, I know. I know him. I know

1 him since we work on the same ship. I don't
2 know him before that.

3 Q. And you joined the ship on the
4 same day, right?

5 A. Yes.

6 Q. And you understood his job was the
7 electrical officer?

8 A. Yes. Yes, when we met on the
9 first day, normally people introduce, right,
10 so he's -- I know him.

11 Q. He's what?

12 A. When they met on the first day,
13 people introduce, right, so I met him.

14 Q. And do you remember what his job
15 responsibilities were on the ship?

16 A. I know that he's an electrical
17 officer, and he does something related to
18 electronics. I don't know in detail about
19 it.

20 Q. Did you ever talk to him about
21 what his job duties were on the ship?

22 A. No.

23 Q. Did you ever have to deal with him
24 for part of your job?

25 A. Sometimes when the tech equipments

1 do not work or if they malfunction, I call
2 him, and he comes in and checks it, and at
3 those times we talk about that equipment.

4 Q. So you remember specific times
5 where you ask Chaminda Kariyawasam actually
6 had to -- strike that.

7 You remember timed when you called
8 Mr. Kariwayasam to come and help you fix a
9 piece of electrical equipment on the ship?

10 A. Yes, many things.

11 Q. I'm sorry?

12 A. Many of them.

13 Q. Many times?

14 A. Yeah, many times. Sometimes the
15 lights don't work, and on that day, the
16 anchor probably did not work, so we called
17 him.

18 Q. So when there was an electrical
19 problem on the ship, you would call
20 Mr. Kariwayasam to come look at it and fix
21 it, correct?

22 A. I cannot call him directly. I
23 inform it to my chief officer, and he informs
24 the engine room, and then they'll call him.

25 Q. And then the electrician -- excuse

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1 me. And then Mr. Kariwayasam would come out
2 to actually look at it, determine what was
3 wrong, and fix it?

4 A. Yes.

5 Q. You're aware that Synergy has
6 written policies and procedures instructing
7 the crew on how to perform certain functions
8 on the ship?

9 A. Yes, chief officer sometimes
10 informs us that the company asks us to do
11 this, do that.

12 Q. But you're aware that the company
13 has a written manual that tells the crew how
14 to do certain tasks?

15 A. Yes.

16 Q. Are you aware that Synergy has a
17 written procedure for readying the anchors
18 for arrival or departure?

19 A. I don't know if there is a return
20 format of that, but I know that -- I know
21 what has to be done with my experience.

22 Q. Is your experience that, in order
23 to get the -- well, in order to prepare the
24 ship for arrival or departure, you must
25 remove the anchor lashings?

1 A. Yes, I know.

2 Q. And you must remove the Spurling
3 cover? Yes?

4 A. Yes.

5 Q. And you must remove the Hawes pipe
6 cover?

7 A. (In English:) Yes.

8 Q. I'm going to show you a copy of a
9 document that has Bates labels Petitioner
10 13225 and 13276 through 13277. This is an
11 excerpt of the navigation manual with a
12 revision date of 2 February 2024.

13 MR. REISMAN: And I'm going to
14 ask him to look specifically on the
15 second page, Section 7.17, if you can
16 point that to him.

17 Josh, if you could pull up
18 Document P as in Peter, please, and
19 particularly at Number 4 in
20 Section 7.17.

21 (Reviewing document.)

22 THE WITNESS: (In English:) I
23 know this.

24 BY MR. REISMAN:

25 Q. You're familiar with that?

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1 A. (In English:) Yes.

2 Q. That's the procedure that the crew
3 of the Dali would use to prepare the anchors
4 for arrival and departure, correct?

5 A. Yes.

6 Q. And you would always follow this
7 procedure, correct?

8 A. (In English:) Yes, sir.

9 Q. So this is what you would do to
10 get the Dali's anchors ready whenever you
11 would be arriving at a port or preparing for
12 departure from a port, correct?

13 A. (In English:) Yes.

14 Q. And that's consistent with what
15 you told the NTSB when they asked you what
16 you did --

17 MR. BENNETT: Just note my
18 objection.

19 BY MR. REISMAN:

20 Q. -- to prepare the anchors,
21 correct?

22 MR. BENNETT: Just let me put --
23 just note my objection to any
24 questions about the interview with the
25 NTSB. NTSB has rules and regulations

1 and whether that testimony can be used
2 an at trial or in any part of this
3 case.

4 MR. REISMAN: Okay.

5 MR. BENNETT: Okay? So just
6 note my objection.

7 MR. REISMAN: That's fine. I'm
8 just asking if that's what he told
9 him. I don't think there's any basis,
10 but, I mean, the objection is noted.
11 That's fine.

12 MR. BENNETT: Okay. Thank you.

13 MR. REISMAN: No problem.

14 BY MR. REISMAN:

15 Q. So when the NTSB asked you what
16 you do to prepare the anchor for departure,
17 you told them this procedure, correct?

18 MR. BENNETT: Just note my
19 objection.

20 A. Yes.

21 BY MR. REISMAN:

22 Q. And just for a clarification, so
23 you will here your lawyer or Mr. Bennett may
24 make objections, or any of the other lawyers
25 may make an objection. Unless they tell you

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1 don't answer the question -- Mr. Duffy has
2 told you don't answer some questions. If
3 they make an objection, you don't need to
4 worry about that. That's just for us. So
5 just concentrate on the question, let him
6 make the objection, and then answer the
7 question. But if you need me to repeat the
8 question because you got distracted, just
9 tell me that and I will repeat it for you.

10 Okay?

11 MR. BENNETT: And then just for
12 the record, just so it goes smoothly,
13 I won't object anymore to the
14 questions about NTSB. We'll use it as
15 a standing objection.

16 MR. REISMAN: No, you need to
17 make them.

18 MR. BENNETT: You want me to
19 make them?

20 MR. REISMAN: Yes, please.

21 MR. BENNETT: Okay.

22 MR. REISMAN: Thanks.

23 BY MR. REISMAN:

24 Q. So when the Dali departed
25 Baltimore on March 26, 2024, this was the

1 procedure that had been followed to get the
2 anchors ready, correct?

3 MR. BENNETT: Just note my
4 objection. Object to the form of the
5 question. It's a leading question.

6 MR. REISMAN: I'm allowed to
7 lead him.

8 MR. BENNETT: Why are you
9 allowed to lead him?

10 MR. REISMAN: He's not aligned
11 with me.

12 MR. DUFFY: He's not an adverse
13 witness.

14 MR. REISMAN: He's not aligned
15 with me.

16 MR. BENNETT: I've given you
17 leeway. You want me to make all my
18 objections, I will make my objections.

19 MR. REISMAN: Okay.

20 MR. BENNETT: You called him on
21 your direct case. He's not adverse.

22 MR. REISMAN: You have made it.
23 I think that's silly, but --

24 MR. BENNETT: Okay.

25 MR. REISMAN: -- you have a

1 right -- you're entitled to make it.

2 Obviously, neither one of us will
3 decide that. The judge will
4 ultimately decide that.

5 BY MR. REISMAN:

6 Q. So, Bosun, when the Dali departed
7 Baltimore on March 26, 2024, you had prepared
8 the anchors in accordance with this procedure
9 we have looked at, Section 7.17, Number 4 in
10 the navigation manual?

11 MR. BENNETT: Just note my
12 objection.

13 BY MR. REISMAN:

14 Q. Is that correct?

15 MR. BENNETT: Just note my
16 objection.

17 A. Yes.

18 BY MR. REISMAN:

19 Q. Let's talk about March 25th. So
20 remember, the accident happened on
21 March 26th. You were onboard the Dali on
22 March 25th, correct?

23 A. Yes, I was onboard.

24 Q. And we are going to attach -- I
25 don't think I did this -- the excerpt of the

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1 navigation manual, Petitioner 13225 and 13276
2 through 13277 as Exhibit 30.

3 (Exhibit 30 was marked for
4 identification.)

5 MR. REISMAN: And we're also
6 going to attach the excerpt of the
7 ship management manual, Petitioner
8 11525 and 11590 through 11591 as
9 Exhibit 30 -- excuse me, Exhibit 29.

10 (Exhibit 29 was marked for
11 identification.)

12 BY MR. REISMAN:

13 Q. So since we have Exhibit 29 in my
14 hand -- I don't remember if I asked you this.
15 So if you can look at that again.

16 MR. REISMAN: Can you show him
17 --

18 THE INTERPRETER: Which one?

19 MR. REISMAN: The one that, at
20 the bottom right corner, says 11525.
21 And it's going to be the last page.
22 If you can point him to about the
23 middle of the page where it says
24 "note" in boldface.

25 BY MR. REISMAN:

1 Q. We talked earlier about your job
2 duties as bosun and in particular the
3 description of your job duties that set out
4 in the ship management manual.

5 A. Yes.

6 Q. And one of your obligations or one
7 of your duties was to report any deficiencies
8 or irregularities regarding equipment to the
9 chief officer, correct?

10 A. Yes.

11 Q. And before the Dali departed
12 Baltimore on March 26, 2024, did you ensure
13 that the anchors had been prepared in
14 accordance with the Synergy navigation
15 manual, Section 7.17, Number 4?

16 A. Yes.

17 Q. And was that the condition that
18 the anchors were in when the ship departed
19 Baltimore on March 26, 2024?

20 A. Yes.

21 Q. And were any changes made to that
22 condition between departure and the time when
23 you first received an order to let go of the
24 anchor on March 26th?

25 MR. BENNETT: Just note my

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1 objection.

2 A. Are you asking if the anchor
3 position changed?

4 BY MR. REISMAN:

5 Q. Yes.

6 A. No.

7 Q. So March 25th, you were working
8 that watch from 0600 to noon and 1800 to
9 2400, correct?

10 MR. BENNETT: Just note my
11 objection.

12 MR. REISMAN: Did I say 26th?

13 No. Okay.

14 A. Yes.

15 BY MR. REISMAN:

16 Q. Are you aware that the Dali
17 suffered two blackouts on March 25, 2024?

18 A. Yes.

19 Q. Where were you when those
20 blackouts occurred?

21 A. Are you asking about the afternoon
22 blackout?

23 Q. During the daytime on March 25th.

24 A. I was in cabin.

25 Q. In your cabin? So you were off

1 watch in your cabin?

2 A. (In English:) Yeah.

3 Q. What were you doing at the time of
4 those blackouts?

5 A. I was laying on the bed.

6 Q. Were you asleep or were you awake?

7 A. (In English:) Not deep sleep, but
8 taking a rest.

9 Q. Resting?

10 A. (In English:) Yeah.

11 Q. How did you become aware that the
12 ship blacked out on March 25th?

13 A. I know that -- so when the
14 blackout --

15 (Unintelligible.)

16 MR. REISMAN: Did you get that?

17 BY MR. REISMAN:

18 Q. Either have her do it or just a
19 little slower -- that's okay. You're doing
20 great. Just a little slower maybe, and when
21 you're -- try to look at her.

22 A. (In English:) Blackout -- in my
23 experience, ship is getting blackout. I come
24 to feel, sir. I come to feel.

25 Q. You feel it?

1 A. (In English:) Because some fan,
2 the blower, that will cut off. So the noise
3 will going reduced. So I know that something
4 happened with the blackout.

5 Q. So you have been sailing for a
6 long time, and you know what it feels like
7 and what it sounds like when the ship
8 blackouts?

9 A. (In English:) Yeah, and also, all
10 lights will go. Only emergency light will
11 light.

12 Q. So while you were laying on your
13 bed on March 25th --

14 A. (In English:) Yeah.

15 Q. You were able to -- wait for me.

16 While you were laying on your bed
17 on March 25th, were you able to sense that
18 the ship had blacked out?

19 A. (In English:) Yes, sir.

20 Q. Was the -- did you sense --

21 A. (In English:) Noise. Noise.

22 Q. Okay. So you were able to sense
23 it because of the sounds?

24 A. (In English:) Yes.

25 Q. You heard equipment and machinery

1 stop making sounds?

2 A. (In English:) Yes.

3 Q. Did you notice the lights go off?

4 A. (In English:) Yes, the lights are
5 shutted off.

6 Q. And at that point, as you were
7 laying on your bed, you knew that the ship
8 had blacked out?

9 A. (In English:) Yes.

10 Q. How long did it stay blacked out?

11 A. I don't remember that.

12 Q. Do you remember the lights coming
13 on and then going back off again?

14 A. In the afternoon?

15 Q. Yes, on the afternoon of
16 March 25th.

17 A. I don't know that. Blackout
18 happened, but I don't remember if it comes --
19 if it came and went off again.

20 Q. You don't know if there was more
21 than one blackout on March 25th?

22 A. I know that the power got cut off,
23 but I don't remember if it came and it went.

24 Q. Do you remember about what time it
25 was that the power went off?

1 A. I don't remember the time.

2 Q. Sometime between -- hang on. Just
3 let me finish. You know what I'm going to
4 say, but that's okay, and I know what you're
5 going to say, and that's better. But you
6 have to let me finish.

7 You know the blackout on
8 March 25th happened between noon and
9 6:00 p.m., 1800, right?

10 A. (In English:) Yeah, correct, sir.

11 Q. Do you know if it was closer to
12 noon or closer to 1800?

13 A. (In English:) Maybe -- I'm not
14 sure, 2 to 3. Maybe between 2 and 3.

15 Q. You're not sure but --

16 A. (In English:) I'm not sure.

17 Q. Around 2 or 3 is your best guess?

18 A. (In English:) Yeah, I think so.

19 Q. Just let me finish. You're doing
20 great, just let me finish. Okay.

21 But you're not sure what time?

22 A. (In English:) I'm not sure.

23 Q. And you don't know how long it
24 lasted?

25 A. I don't know.

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1 Q. Did you ever talk to any of the
2 Dali crew members before the ship departed on
3 March 26th to find out what happened with the
4 March 25th blackout?

5 A. All I knew that there was power
6 cut, but nobody talked about it since I was
7 -- I came back to duty from the cabin
8 directly.

9 Q. So nobody ever told you what
10 caused any blackouts on March 25th?

11 A. No, I don't know.

12 Q. Since the accident on
13 March 26th -- hang on.

14 Since March 26th, have you talked
15 to anybody to find out what caused the
16 March 25th blackouts?

17 A. No, it's with the engine
18 department or the technical department. I
19 don't know anything about it.

20 Q. You weren't curious to know what
21 happened?

22 A. What curious means? I don't
23 understand that.

24 Q. Like interested.

25 A. Even if I asked them and they

1 explain it to me, I don't understand that.

2 That's technical department.

3 Q. Okay. And so you have never heard
4 anybody tell you why they thought the ship
5 blacked out on March 25th?

6 A. The generator was off, and the
7 power was cut. I did not deeply ask them
8 about what happened, and even if they
9 explained, I will not be able to understand
10 it.

11 Q. So you know the ship received its
12 power from the generator?

13 A. Yes, I know that power comes from
14 the generator.

15 Q. But you don't know why power
16 stopped on March 25th?

17 A. Yes, I don't know why it stopped.

18 Q. Between the blackout on March 25th
19 and departure on March 26th, so that was not
20 very long, but in between, were there any
21 safety meetings held on the ship to discuss
22 the March 25th blackout?

23 A. Are you asking about that one day
24 between 25th and 26th?

25 Q. Yeah, so if it happened between 2

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1 or 3 in the afternoon, from 2 or 3 in the
2 afternoon until the ship departed at midnight
3 on the 26th, were there any safety meetings?

4 A. I don't remember anything of that
5 sort happened because in boat all will be
6 busy, and nothing like that --

7 Q. All what?

8 A. All will be busy, and nothing
9 happened.

10 Q. The crew was very busy trying to
11 get the ship ready to depart, correct?

12 A. Yes, there will be cargo
13 operation, port work, and since it's a boat,
14 it will be always busy. There will be too
15 much work.

16 Q. In your experience -- so there's
17 too much work to have a safety meeting at
18 that time?

19 MR. BELKNAP: Objection.

20 MR. REISMAN: Hang on a second.

21 Hang on. You're not entitled to
22 object, are you?

23 MR. BELKNAP: Are you kidding?

24 Do you see Mr. Bennett in the room?

25 I'm sitting in for him while he's not

1 here.

2 MR. REISMAN: If that's how
3 we're going to do it -- I'm fine with
4 that if that's how we're going to do
5 it as long as that carries through all
6 of the depositions.

7 MR. BELKNAP: If you need to
8 step out of the room, then, of course,
9 someone else can cover for --
10 (Simultaneous unreportable crosstalk.)

11 MR. REISMAN: That's not
12 normally how I do it, but that's fine
13 as long as that's going to carry
14 through all the depositions.

15 MR. BELKNAP: That's fine.

16 MR. REISMAN: Okay. Well,
17 that's fine.

18 What's the basis of the
19 objection?

20 MR. BELKNAP: Foundation.

21 MR. REISMAN: He can answer the
22 question.

23 BY MR. REISMAN:

24 Q. So there was -- you were too busy
25 to have a safety meeting between the blackout

1 on March 25th and departure on March 26th?

2 A. Are you saying there should have
3 been a meeting to talk about to blackout? I
4 don't understand what the meeting --

5 Q. No, I'm just asking -- I think
6 that's what he said. My question was simply,
7 was there a safety meeting between the
8 blackout on March 25 and departure on
9 March 26th?

10 A. No.

11 Q. And that's because the crew was
12 too busy getting the ship ready for departure
13 to stop and have a safety meeting, correct?

14 MR. BENNETT: Just note my
15 objection.

16 MR. DUFFY: I'm going to object.

17 That's a leading question.

18 BY MR. REISMAN:

19 Q. You can answer.

20 A. Normally there will be less
21 meetings on the boat. On the boat, all will
22 be busy. That's what I'm asking -- that's
23 what I'm trying to say from the beginning,
24 and you're asking the same question again.

25 Q. Just trying to get the answer.

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1 That's good. Thank you.

2 The ship has a schedule to keep;
3 is that true?

4 A. Yes. Otherwise notice will be
5 there.

6 Q. Otherwise what? Hang on. She's
7 got to be able to hear you.

8 MR. REISMAN: She's got to be
9 able to hear you.

10 A. (In English:) So the sailing
11 schedule already getting to the ship. This
12 time cargo will getting finished. This time
13 the pilot will boarding on the board. This
14 time ship will departure. So we will follow
15 the timing.

16 BY MR. REISMAN:

17 Q. And so there's no time for
18 meetings because you got to keep the ship on
19 schedule. Is that your understanding?

20 MR. BENNETT: Just note my
21 objection.

22 A. If there's any urgency, they will
23 conduct a meeting onboard. It depends upon
24 the master.

1 BY MR. REISMAN:

2 Q. Are you aware of any risk
3 assessments being performed with respect to
4 the March 25th blackout?

5 A. I don't remember anything like
6 that happened.

7 Q. Were you -- go ahead. Did you
8 have more to say?

9 THE INTERPRETER: He asked to
10 use the washroom.

11 MR. REISMAN: Okay. We'll take
12 a break.

13 THE VIDEOGRAPHER: Going off the
14 record at 11:57 a.m.

15 (A brief recess was held from
16 11:57 a.m. to 12:23 p.m.)

17 THE VIDEOGRAPHER: We are going
18 back on the record at 12:23 p.m.

19 BY MR. REISMAN:

20 Q. Bosun, I meant to ask you this
21 before. Are you currently employed?

22 A. Where? I don't work now. I just
23 stay.

24 Q. I understand that. But are you
25 receiving paychecks?

1 A. Yes.

2 MR. REISMAN: In the future, I'm
3 going -- I'm going to tell him -- if
4 you're going to instruct him not to
5 answer a question.

6 MR. DUFFY: I was trying to
7 encourage -- I wasn't trying do
8 anything else.

9 MR. REISMAN: Okay. No problem.
10 I didn't think you were doing anything
11 inappropriate, but I just want to be
12 mindful.

13 MR. DUFFY: Yeah, it seemed to
14 me like he didn't understand what you
15 were getting at.

16 BY MR. REISMAN:

17 Q. So you receive paychecks?

18 A. Yes.

19 Q. From whom do you receive the
20 paychecks?

21 A. The company still follows the same
22 payment as they did when we were on the ship.

23 Q. So just like you were still
24 working onboard the ship, you're getting paid
25 now?

1 A. Yes.

2 Q. And you've been paid continuously
3 since March 26th through today?

4 A. Yes.

5 Q. And is that payment -- is that
6 coming from a Synergy company?

7 A. Yes.

8 Q. Yes?

9 A. Yes.

10 Q. Do you also get paid by Grace
11 Ocean?

12 A. Who is Grace Ocean?

13 MR. REISMAN: If he doesn't
14 know, that's fine, but is he getting
15 payments from Grace Ocean?

16 THE WITNESS: My employer is
17 Synergy.

18 BY MR. REISMAN:

19 Q. And so you're still employed by
20 Synergy today?

21 A. Yes.

22 Q. Okay. And just the court reporter
23 asked us during the break -- you have been
24 doing a great job -- if you have an answer to
25 my question that's very short, yes or no,

1 something simple and, again, subject to what
2 your attorney tells you, but that's fine for
3 you to answer directly. But if it's longer,
4 the court reporter is having a hard time
5 understanding some of the things you're
6 saying. So if it's more than just yes or no
7 or a very short answer, it would be best to
8 let the translator go ahead and answer.

9 So you can speak to her in Tamil,
10 and then she'll tell us in English, or you
11 can tell her in English, and she'll repeat it
12 in English. Whatever works best for you.

13 A. Okay.

14 Q. Has your rate of pay, the amount
15 of money you received, changed at all since
16 March 26th?

17 A. No.

18 Q. How much are you getting paid?

19 A. Are you asking about the amount,
20 exact amount?

21 Q. If he knows the exact amount.

22 A. 1,592.

23 Q. 1,592 U.S dollars?

24 A. Yes.

25 Q. Per month?

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1 A. Yes.

2 Q. And somebody is paying for your
3 living expenses here and wherever it is
4 you're staying in the United States?

5 A. They just give me food and a place
6 to stay. That's it. No other extravagance.

7 MR. REISMAN: Do you know whose
8 paying that? I don't want to ask him,
9 depending on what the answer is. But
10 do you know?

11 MR. BENNETT: Yeah, of course I
12 do.

13 MR. REISMAN: Is it you?

14 MR. BENNETT: His rate of pay?

15 MR. REISMAN: No, no, his living
16 expenses.

17 MR. BENNETT: They're being paid
18 directly.

19 MR. REISMAN: By Synergy?

20 MR. BENNETT: Yes.

21 MR. REISMAN: Okay. I'm going
22 to ask that. I just didn't know if it
23 was something else. All right.

24 BY MR. REISMAN:

25 Q. And Synergy pays your living

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1 expenses? For the place to say and the food,
2 Synergy pays for that in addition to your
3 salary?

4 A. Somebody from the Synergy office
5 came and they asked us to stay there. I'm
6 not sure who pays for it, but they asked us
7 to stay there.

8 Q. But you don't pay for that
9 yourself, correct?

10 A. Not me.

11 MR. BENNETT: Just to protect
12 the lawyers involved, David, I'm just
13 going to go back, and the conversation
14 about his rate of pay, who is paying
15 everything is confidential as is the
16 transcript. Even if the transcript is
17 deemed not confidential for any
18 reason, that may be confidential under
19 other government agency rules.

20 We can work it out at a
21 different time. Just want to
22 preserve.

23 MR. REISMAN: All right.

24 BY MR. REISMAN:

25 Q. Going back to March 25th now.

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1 Between the blackout on March 25th during the
2 day and departure from Baltimore a little
3 after midnight on March 26th, were you told
4 of any changes in policies or procedures?

5 A. I don't understand. What about
6 policies and procedures?

7 Q. What I'm asking is, in that period
8 between the one or more blackouts on
9 March 25th around 2 or 3 in the afternoon
10 until the ship departed, were you told that
11 there were any changes to any policies or
12 procedures to be used on the ship?

13 A. No.

14 Q. And so when you prepared for
15 departure on March 26th, you did that the
16 same way you had done on all other departures
17 since you had joined the Dali; is that true?

18 MR. BENNETT: Just note my
19 objection.

20 A. Yes.

21 MR. REISMAN: What's the basis
22 of the objection?

23 MR. BENNETT: Leading question.

24 MR. REISMAN: Leading?

25 MR. BENNETT: Yes.

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1 MR. REISMAN: Okay. Thank you.

2 A. We just did what we normally do at
3 all times.

4 BY MR. REISMAN:

5 Q. Before March 25th, had you ever
6 experienced a blackout on the Dali?

7 A. I don't remember. I don't know.

8 (In English:) I don't remember.

9 I don't --

10 Q. You don't remember?

11 A. (In English:) Yeah, I don't
12 remember.

13 Q. You don't remember another
14 blackout on the Dali before March 25th; is
15 that true?

16 A. I don't remember.

17 Q. I just want to dig into that a
18 little bit.

19 You don't remember if there is one
20 or you don't remember having -- you know,
21 experiencing a blackout on the ship?

22 A. I can't understand your question.
23 You're asking if I don't know about it or if
24 I don't remember anything about it? I don't
25 know about it.

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1 Q. You're not aware of any prior
2 blackouts on the Dali before March 25th; am I
3 right?

4 A. Yes.

5 Q. Let's talk about the bow of the
6 Dali. I'm going to ask you to draw something
7 for me. We'll give you some paper. But what
8 I want to know is what the layout of the bow
9 was -- you told us earlier about the mooring
10 bits, and we know there's the anchor windlass
11 up there.

12 I'm going to hand you some paper
13 and a pen. Sorry. Can you draw the bow area
14 where the anchors and windlasses are? You
15 look like you were ready for this one.
16 That's good. Hopefully, your art skills are
17 better than mine. Let me give you one tip.

18 MR. REISMAN: Stop him.

19 BY MR. REISMAN:

20 Q. Make it as big as you can on the
21 page so that it's easy to see everything.

22 MR. REISMAN: Tell him to use a
23 different piece of paper. Stop.

24 Stop. Stop. Stop.

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1 BY MR. REISMAN:

2 Q. Just use a clean piece of paper.

3 Thank you. Can I see it? Thank you. So I'm
4 going to try and hold this up so you can see
5 it as I look at it. You have drawn kind of a
6 rough outline of the ship. The pointy end is
7 the bow, right?

8 A. Yes.

9 Q. And you've drawn some little
10 rectangles --

11 A. (In English:) That is a bit.

12 Q. More the mooring bits?

13 A. (In English:) Yeah.

14 Q. And then you have drawn on each
15 side two circles, fore and aft. Are
16 those -- those are the mooring winches?

17 A. (In English:) Yes.

18 Q. Should be the anchor winches?

19 A. (In English:) Yes.

20 Q. So you've got a winch for the
21 starboard anchor and a winch for the port
22 anchor, correct?

23 A. (In English:) Yes.

24 Q. And you have shown kind of a
25 squiggly line. That represents the anchor

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1 chain?

2 A. (In English:) Chain.

3 Q. And it goes in the Hawes pipe, and
4 then you've shown the anchor on the outside
5 of the ship; is that right?

6 A. (In English:) Yeah.

7 Q. Okay. So I'm going to ask if you
8 can label this now so that other people will
9 know what we are looking at. Do you know how
10 to write the word bow? Do you know how to
11 spell that in English?

12 Are you able to read and write
13 English? Hang on. Just listen to me.

14 MR. REISMAN: Ask him, are you
15 able to read and write in English?

16 THE WITNESS: That's the problem
17 there.

18 BY MR. REISMAN:

19 Q. You don't read and write in
20 English?

21 A. (In English:) I can read it
22 slowly, slowly. But write and spelling, I
23 don't know.

24 Q. Why don't we do this. Why don't
25 you write bow in Tamil, and then below that

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1 we'll have the interpreter write --

2 A. (In English:) I will tell her to
3 write.

4 MR. DUFFY: Use her. You
5 translate.

6 THE INTERPRETER: Do you want me
7 to write as he spells it or as he
8 tells the name?

9 MR. REISMAN: That's fine.

10 That's the starboard anchor
11 she's writing? Why don't we write,
12 S-T-A-R-B-O-A-R-D. When you get to
13 the winches, just I would write it out
14 to the side and draw a line -- I want
15 to keep it as uncluttered as we can
16 within the scope of that center area
17 of the drawing.

18 THE INTERPRETER: Okay.

19 MR. REISMAN: Do you understand
20 what I'm saying?

21 THE INTERPRETER: Not exactly.

22 What should I do with this?

23 MR. REISMAN: Okay. So I think
24 he's going to tell you -- have him
25 explain to you what the two circles

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1 are, but don't write anything yet. I
2 will tell you where to write it. Tell
3 him not to write --

4 THE INTERPRETER: He's drawing
5 something. Windlass.

6 MR. REISMAN: So what I want you
7 to do is write it off to its side, and
8 then draw an arrow pointing to it.

9 THE INTERPRETER: Okay.

10 MR. REISMAN: And it's
11 W-I-N-D-L-A-S-S.

12 BY MR. REISMAN:

13 Q. And the one she's labeling, that's
14 the port windlass? And it's the port anchor
15 windlass?

16 THE INTERPRETER: So this is
17 port windlass, right?

18 MR. REISMAN: You have to ask
19 him.

20 THE INTERPRETER: Okay.
21 Whatever is on the left is port; the
22 right is starboard.

23 MR. REISMAN: So you want to
24 label -- have him tell you -- he's got
25 to tell you. I'm not telling --

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1 THE WITNESS: (In English:) I'm
2 telling.

3 MR. REISMAN: You tell her about
4 the starboard anchor windlass.

5 THE INTERPRETER: And then what?
6 Do you want to write the bit outside?
7 I already wrote it. Do you want me to
8 strike it out?

9 MR. REISMAN: No, that's all
10 right. He add a few more.

11 BY MR. REISMAN:

12 Q. Were those more bits that you put
13 on the drawing?

14 A. Everything is a bit.

15 Q. Where is the -- how do you control
16 the hydraulic brake on the Dali, the power
17 brake. Is there a panel on the bow that you
18 can use to control --

19 A. (In English:) Yes.

20 Q. Where is that?

21 A. It will be there at the center.

22 Q. Okay. What I want --

23 MR. REISMAN: Ask him how he
24 describes that.

25 BY MR. REISMAN:

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1 Q. Is that the power -- hydraulic
2 brake or power brake button? Is that what
3 you call it?

4 A. (In English:) Can I explain you?

5 Q. Yes. Well --

6 MR. DUFFY: Explain.

7 BY MR. REISMAN:

8 Q. It's better to do it -- for you to
9 do it in Tamil.

10 A. Power brake is operates through
11 hydraulic system. The hydraulic system would
12 be -- hydraulic pump.

13 (In English:) Down in the bosun
14 store. It's called the bosun store.

15 Q. In the bosun store.

16 A. It will be the bosun store, the
17 hydraulic pump.

18 Q. I'm not asking about the pump.

19 A. (In English:) Okay.

20 Q. I just want to know where do you
21 control it. If you were on the bow --

22 A. (In English:) That -- there I
23 operating the windlass. Near the one button
24 is there. That is hydraulic power for the --
25 hydraulic button for the brake.

1 Q. I just want to make sure I
2 understand and everybody understands.

3 So there's a button very close to
4 the anchor windlass?

5 A. (In English:) Same that one
6 pushed is there, there is control lever set
7 nearby only buttons.

8 Q. There's a control lever that is
9 near --

10 A. (In English:) Same box -- same
11 box -- same control box and the brake and
12 the -- everything is there only.

13 Q. Anchor brake and what?

14 A. (In English:) Operating lever.

15 Q. Operating lever. Okay.

16 Are those connected? Are they
17 physically attached to the windlass or they a
18 separate panel?

19 A. It would be inside the same
20 control box.

21 Q. But is it mounted on the windlass
22 itself or is it separate?

23 A. It will be like a separate post.
24 If you're standing here, it will come up to
25 here -- come up to this height like a pillar.

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1 Q. You're pointing to around your
2 chest?

3 A. (In English:) Yes.

4 Q. So there's a stand with a panel on
5 it, and it has the lever and a button for the
6 hydraulic brake; is that true?

7 A. Yes.

8 Q. And how far is that from the
9 windlass itself?

10 A. It will be just next to it. If
11 there's the windlass, it will be here.

12 Q. Can you show me with your hands,
13 and then we'll try and put something to that?

14 A. It also has a remote control.

15 Q. So remote control, you can stand
16 away from it and operate the remote control?

17 A. (In English:) This is the winch.
18 Okay? Here where the box is there like this.

19 Q. Slow so she can get it.

20 A. (In English:) This is the winch.
21 This is a control box. I stand there, and
22 I'm operating like this. Okay. And also
23 starboard and port. The same -- like same
24 stand will be used portside as the starboard
25 also have. That's called remote.

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1 Q. So you can control the port and
2 the starboard windlasses, the hydraulic
3 brakes on the port and starboard windlasses
4 from one control box?

5 A. (In English:) No. Here is just
6 portside winch. Here is one control box.
7 Here is a starboard winch, one control box.
8 Also there and there, separate remote control
9 for starboard and port.

10 Q. Okay. Thank you.

11 How far apart are the two control
12 boxes? How many meters in between them?

13 A. (In English:) One meter -- I
14 standing here operating like this and turning
15 here and operating like this.

16 Q. Okay. So --

17 A. (In English:) So only the --

18 Q. So if you're --

19 (Simultaneous unreportable crosstalk.)

20 A. (In English:) -- catwalk is in
21 here. That's all.

22 Q. If you're standing at the control
23 box for the port anchor hydraulic brake, can
24 you reach without moving your feet the
25 control box for the starboard hydraulic

1 brake?

2 A. No, I have to take a few steps.

3 Q. He's got to keep you on the
4 camera, so it's better to sit if you can.

5 A. (In English:) Also, I don't think
6 so. If I -- I don't think so -- I'm not
7 sure --

8 (Unintelligible.)

9 MR. REISMAN: Are you
10 understanding?

11 THE STENOGRAPHER: I can't
12 understand --

13 MR. REISMAN: I know. I'll fix
14 it.

15 BY MR. REISMAN:

16 Q. Tell her in Tamil.

17 A. You asked whether I can operate
18 the starboard while I'm standing at the port,
19 right? I'm not sure since this is a
20 technical part. I think we can do that, when
21 you operate on the one thing, you can control
22 the other thing. I think so, but I'm not
23 sure about it.

24 Q. You think you can or cannot?

25 A. You can, but -- I think so, but

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1 I'm not sure.

2 MR. REISMAN: But he's not sure.

3 Okay.

4 BY MR. REISMAN:

5 Q. On your drawing now --

6 MR. REISMAN: So did we label --
7 so I want to him to draw where those
8 control panels are for both the port
9 and the starboard. So he's going to
10 draw one and then draw the other, and
11 then you will label them. And ask him
12 what he calls those. I want to use
13 his terminology. So one should be
14 port. One should be starboard.

15 THE INTERPRETER: Operating
16 control box. So do you want me to
17 write it on here?

18 MR. REISMAN: You can go from --
19 well, all right. He's taking charge.

20 THE WITNESS: There will be a
21 remote here for the control box.

22 BY MR. REISMAN:

23 Q. The remote, can it be moved?

24 A. (In English:) That can also -- we
25 can operate.

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1 Q. So from the remote that are out
2 essentially on the outside edges of the bow,
3 you can control those hydraulic brakes there
4 as well, correct?

5 A. (In English:) Yes.

6 Q. The remote control operating box?
7 Is that what you would call it, remote
8 control operating box?

9 A. Remote.

10 MR. REISMAN: However he would
11 define it, that's how I want you to
12 label it.

13 THE WITNESS: (In English:)
14 This one is okay.

15 (Through the interpreter:) You
16 need not worry about these two.

17 (Simultaneous unreportable crosstalk.)

18 THE WITNESS: (In English:) I'm
19 also not using this one.

20 MR. REISMAN: That's okay. I
21 want to have her label those, though.
22 Go ahead and label them.

23 THE INTERPRETER: Yeah, I just
24 did.

25 MR. REISMAN: You did them both?

1 Okay.

2 BY MR. REISMAN:

3 Q. And do those move or are those
4 fixed?

5 A. It won't move.

6 Q. Okay. So you could control the
7 port anchor from the operating control box or
8 from the remote box? You have to be in one
9 of those two places; is that right?

10 A. Yes. It is the same for both port
11 and also for starboard.

12 Q. Now, is there also a manual brake?

13 A. Yes.

14 Q. And how do you operate the manual
15 brake? Before -- don't draw yet, just tell
16 me.

17 A. (In English:) Like steering.

18 Q. There's a wheel?

19 A. (In English:) Big steering --

20 Q. There's a big steer wheel?

21 A. (In English:) Big, yeah, correct.

22 Q. And you have to turn that to open
23 or close the brakes?

24 A. Yes.

25 Q. Where is that located?

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1 A. It would be near to the windlass.

2 Q. It's -- I think if I got this
3 right, it's just on the aft side of the -- of
4 each of the windlasses there's -- is the
5 steering wheel that operates the manual
6 brake?

7 A. It would be on the inside.

8 (In English:) Actually, like
9 facing to forward -- forward. So facing to
10 like this on this Dali ship.

11 Q. They face to the side?

12 A. (In English:) Yeah, portside and
13 starboard is even spacing. So inside of that
14 release there, operating the lever --

15 Q. I don't think she's getting that.
16 So just tell her.

17 A. The winches of some ships face
18 forward, but in the Dali, it faces towards
19 its side, so everything, the operating lever,
20 the steering, everything goes on the inside.

21 Q. Okay. So both of the manual brake
22 wheels are located between the two
23 windlasses?

24 A. Correct.

25 MR. REISMAN: Did he draw those

1 on there?

2 THE INTERPRETER: Yes.

3 MR. REISMAN: Can you label
4 those? Are they showing where he's
5 saying they are?

6 THE WITNESS: (In English:)

7 Manual anchor brake.

8 BY MR. REISMAN:

9 Q. Manual anchor brake, is that what
10 you call it?

11 A. (In English:) Anchor brake.

12 Anchor brake.

13 Q. But it's the manual brake?

14 A. (In English:) That is manual.

15 And also this only -- many ship have only
16 manual brake only, not the power. This ship
17 have power.

18 Q. Now, in addition to the windlass,
19 there's also a bow stopper, right, a riding
20 pull or a bow stopper?

21 A. (In English:) Yes, yes.

22 Q. What do you call it?

23 A. (In English:) Bow stopper.

24 Q. Bow stopper?

25 A. (In English:) Bow stopper.

120

1 Q. Where is the bow stopper located?

2 Show us first for the port anchor.

3 MR. REISMAN: And will you draw

4 a line, and then we're labeling that

5 as bow stopper, B-O-W stopper, and I

6 would put port bow stopper.

7 BY MR. REISMAN:

8 Q. That's the port bow stopper,

9 correct, sir?

10 A. (In English:) Yes, sir, on the
11 port.

12 Q. Now, will you draw where the
13 starboard bow stopper is located?

14 MR. REISMAN: And will you label
15 that one then?

16 THE INTERPRETER: Yes.

17 MR. REISMAN: Thank you.

18 BY MR. REISMAN:

19 Q. And that's the starboard bow
20 stopper, correct?

21 A. (In English:) Yes, sir.

22 Q. And you also referred earlier to
23 the anchor lashings. Where do those connect
24 to the ship and to the anchor chain?

25 A. In the bow stopper stand, there

121

1 will be eye.

2 Q. There will be what?

3 THE INTERPRETER: Eye, that's

4 what he said.

5 BY MR. REISMAN:

6 Q. Oh, the eye?

7 A. (In English:) Eye. So on the one
8 eye, we connect the --

9 Q. Connect the -- tell her.

10 A. On the one eye, I connect the
11 anchor cable with the shackle, and it comes
12 through the other way. It connects with the
13 wire -- it's a wire rope, and it comes from
14 the other end.

15 Q. So it connects on each side of the
16 bow stopper?

17 A. (In English:) If you want, I will
18 try and draw for you.

19 Q. Yeah, but first let me -- so the
20 anchor lashing connects on each side of the
21 bow stopper and runs through the anchor
22 chain; is that right?

23 A. (In English:) Yes, sir.

24 Q. Okay. Can you draw that then.

25 We're probably getting pretty cluttered

122

1 there, but...

2 Okay. So what you have done now
3 is separately, but on the same page, you've
4 drawn the anchor lashing, correct?

5 A. (In English:) Uh-huh.

6 Q. So that's -- where you've drawn
7 it, that's not where it is, that's just what
8 it looks like, right?

9 A. Yeah, just demonstrated how it
10 looks like.

11 Q. I understand. So why don't we
12 label that "anchor lashing."

13 MR. REISMAN: What is he
14 writing? What did he write there?

15 THE INTERPRETER: No, he just
16 drew something.

17 MR. REISMAN: Just drew -- okay.

18 BY MR. REISMAN:

19 Q. This is the anger lashing?

20 A. The one side that is connecting
21 shackle, and the other one there
22 is -- connecting shackle with a turn buckle.
23 Okay.

24 MR. REISMAN: Did you get that
25 ma'am? Okay.

123

1 BY MR. REISMAN:

2 Q. So let's just label this whole
3 little section as anchor lashing. Do you
4 agree with that, sir?

5 MR. REISMAN: And then have him
6 now draw a line with an arrow showing
7 where it actually is. So it should be
8 drawing a line with an arrow to the
9 bow stopper. Right? Ask -- I want to
10 him to show us where that is located.
11 But have him draw a line from the
12 anchor lashing drawing to the place
13 where it is located.

14 And then do the same for the
15 starboard bow stopper. Show us now
16 where the anchor lashing is located on
17 the starboard bow stopper. Okay.

18 Thank you.

19 BY MR. REISMAN:

20 Q. You told us earlier how you secure
21 the anchor for arrival and departure, but the
22 anchor is secured differently when the ship
23 is at sea, correct?

24 A. It will be different like we would
25 be securing it with extra lashing.

124

1 BY MR. REISMAN:

2 Q. So when the ship is at sea, you
3 would put an extra anchor lashing on, and the
4 anchor lashing is to make sure that the
5 anchor doesn't accidentally fall?

6 A. Yes, to prevent it going into the
7 water.

8 Q. Is that the only difference in the
9 anchor condition when you're at sea versus
10 when you're arriving or departing a port?

11 A. Yes, the extra lashing is the only
12 difference.

13 Q. When you're at sea, do you have
14 the Hawes plate and the Spurling plates in
15 place?

16 THE INTERPRETER: This is the
17 interpreter speaking. He's explaining
18 something. I would like to ask him to
19 give breaks so that I --

20 MR. REISMAN: Okay.

21 A. For just a small ship, when the
22 ship sails in the water, it does pitching and
23 water comes onboard. The chain locker where
24 the bilge pipe goes in, it's like a tank, so
25 water gets inside it.

125

1 BY MR. REISMAN:

2 Q. So the Spurling plate prevents
3 water from getting into the anchor chain
4 locker?

5 A. So to avoid that, in smaller
6 ships, we block it.

7 Q. What about on the Dali?

8 A. Since Dali is a bigger ship, it
9 doesn't need that.

10 Q. So you don't -- during the period
11 of time that you were on the Dali, you never
12 put in place the Spurling plate?

13 A. We do it sometimes because in some
14 ports there will be stowaways. To avoid
15 that, we do it.

16 Q. So to prevent somebody from
17 sneaking down into the chain locker, you put
18 the plate on? I wouldn't want to be in the
19 chain locker, but that's why you do it?

20 A. Yes.

21 Q. What about the Hawes pipe plate?

22 A. The same.

23 Q. So only when you're in port to
24 prevent stowaways?

25 A. Yes.

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1 Q. I think I know the answer to this
2 question, but were you worried about
3 stowaways getting on --

4 A. We didn't do it in Dali. Dali did
5 not go to the port. But I'm telling it in
6 general.

7 Q. Okay. So my question is about the
8 Dali.

9 Did you ever put the Spurling
10 plate in place on the Dali?

11 A. (In English:) No.

12 Q. Did you ever put the Hawes pipe
13 plate in place on the Dali?

14 A. (In English:) No.

15 Q. Never used it?

16 A. (In English:) No.

17 Q. Did the Dali have a Hawes pipe
18 plate?

19 A. (In English:) Yeah.

20 Q. Did it have a Spurling plate?

21 A. (In English:) Yeah.

22 Q. And I want to make sure I got this
23 right.

24 So the only difference -- when you
25 would be preparing to depart from a port like

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1 Baltimore, for example, the only difference
2 in the anchor setup versus when you were at
3 sea was that you had no anchor lashings in
4 place when you were departing from Baltimore?

5 MR. BENNETT: Just note my
6 objection.

7 A. Anchor lashing will not be there.
8 Also, we removed the pin in the bow stopper.

9 BY MR. REISMAN:

10 Q. Okay. So let's talk about the bow
11 stopper.

12 MR. REISMAN: Did you get that
13 ma'am? Okay.

14 BY MR. REISMAN:

15 Q. So the bow stopper is another
16 safety measure to prevent the anchor from
17 falling, correct?

18 A. Yes, that's called stopper.

19 Q. It locks the anchor chain and the
20 anchor in place?

21 A. Yes.

22 Q. In order to lift the bow stopper
23 -- well, strike that.

24 And the bow stopper has a pin in
25 it to prevent it from opening accidentally?

128

1 A. Yes.

2 Q. And so before you would depart a
3 port or arrive in a port, you would take the
4 pin out of the bow stopper?

5 A. Yes, whenever arriving or
6 departing, we remove the pin.

7 Q. And other than removing the
8 lashings and removing the pin from the bow
9 stopper, any other differences in the anchor
10 setup for arrival and departure versus when
11 the ship is at sea?

12 A. No.

13 Q. So when you're departing from
14 port, in order to drop the anchor, to let go
15 of the anchor, you have to raise the bow
16 stopper and release the brakes, correct?

17 A. Yes.

18 Q. During the time that you worked on
19 the Dali and you were assigned to stand
20 anchor watch for departure or arrival, how
21 many other people were with you?

22 A. One person.

23 Q. Who was the other person?

24 A. I can decide who that is. It can
25 be an OS or AB.

129

1 Q. So it's not always the same
2 person, but you would select one person to
3 help you?

4 A. I can decide who to call. Either
5 an OS or an AB, but it will be mostly an OS.

6 Q. If you want to lower the anchor
7 using the hydraulic brake, how do you do
8 that?

9 A. Do you want it to be step by step
10 or directly?

11 Q. Or what?

12 A. Or directly or go to the main
13 thing or do you want it step by step.

14 MR. REISMAN: Let's do it step
15 by step, but he's got to say it in
16 Tamil to you and have translate it.

17 A. We switch on the hydraulic power
18 pump, and then on the top we switch on the
19 windlass power.

20 BY MR. REISMAN:

21 Q. On the what?

22 A. On the top.

23 Q. On the top? Okay.

24 A. We engage the gear, and we remove
25 the bow stopper. I press the button for the

130

1 brake, and the brake's jack comes up. As the
2 brake -- as the jack -- okay. Once I press
3 the button, the hydraulic brake comes out
4 gradually, and the anchor goes in gradually.

5 Q. So when you press the button on
6 the hydraulic brake, that causes a jack to
7 open the brake?

8 A. (In English:) Yes.

9 Q. So the hydraulic pressure opens
10 the brake?

11 A. (In English:) Yes, sir.

12 Q. Does that happen instantly?

13 A. It will happen slowly.

14 (In English:) Like not like that.

15 Q. Can you control the speed?

16 A. (In English:) Yeah, I can
17 control.

18 Q. You can make it go as fast or slow
19 as you want?

20 MR. BENNETT: Just note my
21 objection.

22 A. The speed is the same. You cannot
23 increase it or decrease it. I just stop and
24 start it so that the speed release.

25 (In English:) And once I pushing

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1 the button, the jack will come up. Taking
2 off the finger, the jack will go down.

3 BY MR. REISMAN:

4 Q. Just want to make sure I
5 understand.

6 So when you push the button, the
7 jack opens --

8 A. (In English:) Yeah.

9 Q. -- or goes up --

10 A. (In English:) Yeah.

11 Q. -- and releases the brake. And
12 when you take your hand off of the button,
13 the jack comes down and the brake closes. Is
14 that right?

15 A. (In English:) Yeah, that is
16 right.

17 Q. And how long does it take from the
18 time you push the button for the brake to be
19 open enough that the chain can move?

20 A. One minute.

21 Q. One minute?

22 THE STENOGRAPHER: Can you tell
23 me what he said?

24 A. When you push it, it moves, and
25 then it -- once you press the button, the

132

1 jack comes up. It will take just one or two
2 minutes.

3 BY MR. REISMAN:

4 Q. So any time you want to let go the
5 anchor, it would take at least one or two
6 minutes to do it?

7 A. This time is for the jack to come
8 up. The anchor's position depends upon the
9 depth.

10 Q. Okay. My question is, if you
11 receive an order -- if everything works
12 properly on the ship, and the hydraulic brake
13 is being used, and you receive an order to
14 let go the anchor, how quickly could the
15 anchor begin to fall?

16 A. Two, three minutes.

17 Q. Two or three minutes?

18 A. (In English:) Yeah, two or three.

19 Q. Have you ever timed that?

20 A. No.

21 Q. Are you certain about the time or
22 are you just guessing?

23 MR. BENNETT: Just note my
24 objection.

25 A. It's an approximate time. It's

133

1 not the exact time.

2 BY MR. REISMAN:

3 Q. Before March 26th, had you ever
4 deployed or let go the -- an anchor on the
5 Dali in an emergency situation?

6 A. We have let go the anchor but not
7 due to an emergency.

8 Q. Have you ever let go an anchor due
9 to emergency on any ship before March 26,
10 2024?

11 A. I don't remember. I have worked
12 in this for 30, 35 years. I don't remember.

13 Q. You can't remember ever letting go
14 of an anchor in emergency before March 26,
15 2024; is that right?

16 A. Yes.

17 Q. In order to let go the anchor with
18 the hydraulic brake, do you need more than
19 one man?

20 A. One person is enough to do it
21 through hydraulic brake, but they always keep
22 another person for standby.

23 Q. And I want to go back to that
24 procedure. You gave us to step-by-step
25 procedure. So you said the first thing you

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1 do is you push the button and you open the
2 brake; is that right? And then you have to
3 bring the chain in in order to relieve the
4 tension on the bow stopper, correct?

5 MR. BENNETT: Just note my
6 objection.

7 THE INTERPRETER: Can you please
8 repeat that?

9 BY MR. REISMAN:

10 Q. And then the next thing you have
11 to do is to haul the chain in in order to
12 take the pressure off of the bow stopper?

13 MR. BENNETT: Just note my
14 objection.

15 A. The bow stopper will always be
16 free. It will not be -- it will be easy to
17 move up and down, so that's -- it has to be
18 free. So every time we go in or out, we
19 check that. We make sure that it is free to
20 move.

21 BY MR. REISMAN:

22 Q. What do you do to ensure that the
23 bow stopper is free to move?

24 A. I just lift it up.

25 Q. When do you do that?

135

1 A. During arrival and departure.

2 Q. When during arrival and departure?

3 A. While arriving -- when we
4 take -- remove the anchor lashing, we do
5 that, and when departing, when we move to the
6 station, we do that.

7 Q. So explain the step-by-step to me
8 again because maybe I misunderstood it.

9 So the first thing you do is you
10 push the button and open the hydraulic brake,
11 correct?

12 MR. BENNETT: Just note my
13 objection.

14 MR. REISMAN: What's the
15 objection?

16 MR. BENNETT: Compound question.
17 You asked him to go step by step, and
18 then you interject and say, so the
19 first thing you do. So not only is it
20 compound, but it's also leading.

21 BY MR. REISMAN:

22 Q. The first thing you do in order to
23 prepare the anchor to let go is push the
24 button to release the hydraulic brake?

25 MR. BENNETT: Just note my

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1 objection.

2 MR. REISMAN: What's the
3 objection, Bill?

4 MR. BENNETT: It's leading.

5 MR. REISMAN: You might want to
6 take a look at the rules if you're
7 going to keep making -- that's fine
8 you can make them. But you may want
9 to take a look at the rules.

10 MR. BENNETT: You may also.

11 MR. REISMAN: I have.

12 MR. BENNETT: You may want to
13 reread them then.

14 MR. REISMAN: I have.

15 BY MR. REISMAN:

16 Q. What's next, sir? What's the next
17 step after you push the button?

18 A. After that, the master gives the
19 order to chief officer about -- about the
20 shackling. There are a lot of things about
21 it, and then the chief officer informs me.

22 Q. I didn't understand that. What
23 does the master tell the chief officer?

24 A. (In English:) How could shackles
25 to release. One shackle, two shackle, three

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1 shackle or...

2 Q. How many shackles to release?

3 A. How many shackles has to be
4 released. Is it one, two, or...

5 Q. And then the chief officer
6 instructs you?

7 A. (In English:) Yeah, master to
8 chief officer. Chief officer --

9 (Reporter clarification.)

10 (Simultaneous unreportable crosstalk.)

11 BY MR. REISMAN:

12 Q. You're doing really well, and I
13 know you're being helpful, but she's just
14 having trouble. So can you just say it to
15 her?

16 THE VIDEOGRAPHER: No problem.

17 Even if he says it in English, I will
18 repeat it.

19 MR. REISMAN: Okay.

20 THE WITNESS: (In English:)

21 Yeah, I'll say in English.

22 A. Chief officer is in charge of
23 anchor handling, so master tells the chief
24 officer, and I'm the person who handles the
25 winch, so chief officer informs me.

138

1 BY MR. REISMAN:

2 Q. And the chief officer is usually
3 positioned on the with you during anchoring
4 operations?

5 A. (In English:) Yeah.

6 Q. The chief officer wasn't on the
7 bow with you on March 26th when you were
8 given the order to let go of the anchor, was
9 he?

10 A. (In English:) Chief officer was
11 not there.

12 Q. You were alone on the bow --

13 A. (In English:) Yeah, yeah.

14 MR. BENNETT: Just note my
15 objection.

16 BY MR. REISMAN:

17 Q. You know the question, but you got
18 to let me finish.

19 Were you alone on the bow on
20 March 26th when you received the order to let
21 go of the anchor?

22 A. Yes, I was alone.

23 Q. So you have pushed the button,
24 open the hydraulic brake. The chief officer
25 instructs you how many shackles to let out.

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1 What happens next in order for the anchor to
2 begin falling?

3 A. Let the anchor fall? When you
4 keep on pressing, it will get released.

5 Q. Maybe I misunderstood. When do
6 you raise the bow stopper?

7 A. (In English:) Put the bow stopper
8 or remove the bow stopper? What are you
9 asking about?

10 Q. When do you remove the bow
11 stopper?

12 A. When the anchor is lowered.

13 Q. When the anchor is what?

14 A. (In English:) Lowering.

15 Q. Lowering?

16 But the anchor can't lower with
17 the bow stopper down, can it?

18 A. It won't.

19 Q. So you have to raise the bow
20 stopper or remove the bow stopper before the
21 anchor can begin lowering, right?

22 MR. REISMAN: You gotta say the
23 answer. Okay.

24 A. Yes, if you want to let go the
25 anchor, you have to put the bow stopper --

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1 remove the bow stopper. Sorry.

2 BY MR. REISMAN:

3 Q. So when do you remove the bow
4 stopper?

5 A. When the anchor -- when the
6 standby for the anchor, we remove it.

7 Q. Is there anything else you need to
8 do besides pushing the hydraulic brake button
9 and removing the bow stopper to allow the
10 anchor to let go?

11 A. (In English:) Bow stopper and
12 brake. That's it. And -- that's the two
13 things in there.

14 (Through the interpreter:) There are
15 two kinds of loading. One is gravity
16 loading, and other is winch loading.
17 If it is gravity loading, you just
18 remove the bow stopper, and you cannot
19 engage the gear. You just push the
20 button and brake will open, and anchor
21 will go by the gravity. That is one
22 procedure, and the other procedure is
23 winch loading.

24 THE INTERPRETER: This is the
25 interpreter speaking. I would like to

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1 ask him to repeat that.

2 A. Winch loading system is remove the
3 bow stopper, engage the gear, and push the
4 brake button, brake will open, and lower the
5 winch.

6 BY MR. REISMAN:

7 Q. Who decides whether you're going
8 to let go the anchor through gravity lowering
9 or winch lowering?

10 A. If there's a pilot onboard during
11 the anchor handling, the pilot will inform
12 the master, the master will inform the chief
13 officer, and the chief officer will inform
14 me. If only the master is present during the
15 anchor handling, the master will inform the
16 chief officer, and he will inform me.

17 Q. When you're preparing the ship for
18 departure, do you have the winch engaged or
19 not engaged?

20 A. It won't be. It will not be.

21 Q. It will be not engaged?

22 A. Only during the anchor handling
23 time, we engage it. During other times,
24 we're off it.

25 Q. I may have asked you this before,

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1 and I apologize if I did. I will get a sharp
2 rebuke here.

3 MR. BENNETT: It will be a dull
4 rebuke.

5 MR. REISMAN: It's going to be
6 sharp. Come on.

7 THE INTERPRETER: He says that
8 he's hungry.

9 MR. REISMAN: Okay. Let me just
10 finish this one question, very short,
11 and then we'll take a break for lunch.

12 Okay? No problem. That's what I
13 asked you to do.

14 BY MR. REISMAN:

15 Q. Have you received any formal
16 training on how to let go an anchor?

17 MR. DUFFY: Objection. Asked
18 and answered.

19 MR. REISMAN: I spoon fed you
20 that one.

21 A. (In English:) My experience.

22 BY MR. REISMAN:

23 Q. So the only training you've
24 received -- hang on.

25 The only training you've received

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1 on letting go an anchor is on-the-job
2 experience; is that correct?

3 A. I used to work with my seniors
4 when I was a junior, so I saw my seniors
5 doing it, and with experience I learned it.

6 MR. REISMAN: We'll take a lunch
7 break now. Owen, you all guide me how
8 long you want.

9 MR. DUFFY: What are you usually
10 taking?

11 MR. REISMAN: I think we take
12 about 45 minutes.

13 (Off-record discussion.)

14 THE VIDEOGRAPHER: Going off the
15 record at 1:26 p.m.

16 (A lunch recess was held from
17 1:26 p.m. to 2:21 p.m.)

18 THE VIDEOGRAPHER: We are going
19 back on the record at 2:21 p.m.

20 BY MR. REISMAN:

21 Q. Okay. We are back from our lunch
22 break. The first thing we are going to do is
23 attach the drawing that you made earlier.
24 What I'd like you to do -- we'll attach that
25 as Exhibit 31.

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1 But, Bosun, what I would like you
2 to do is, at the bottom of that page, is sign
3 your name and put today's date, which is
4 March 10, 2025. Can you do that for me
5 please?

6 (Exhibit 31 was marked for
7 identification.)

8 A. You need to ask Mr. Duffy. Should
9 he mention his name?

10 MR. REISMAN: Can he sign his
11 name? He could probably print his
12 name below that and put today's date.

13 THE WITNESS: They mention the
14 date was here, right, but he wrote it
15 as date, month and then year. The
16 format is different.

17 BY MR. REISMAN:

18 Q. Why don't you just right below
19 that, write March 10, 2025. Just write it
20 out.

21 A. The format is different in India.
22 The format is different in India.

23 Q. No, I understand. Thank you,
24 though.

25 And we are going to attach that as

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1 Exhibit 31. Thank you. Just leave it there
2 for the court reporter. Just put it in that
3 pile. Why don't you put it on that pile with
4 the other documents.

5 A. (In English:) Can I take one
6 photo of this?

7 Q. I didn't understand. What --

8 A. (In English:) Can I take one
9 photo of this?

10 Q. Why don't we wait. Absolutely,
11 you can, but just wait. Let's do that later.

12 MR. REISMAN: Just tell him to
13 wait.

14 BY MR. REISMAN:

15 Q. But you can definitely have a copy
16 of that.

17 Before we took a break, we were
18 talking about the hydraulic brake and how
19 long it would take to open it, and I want to
20 just go back to that and make sure that I
21 understand your testimony.

22 So I want you -- if the anchor is
23 set up so that the bow stopper is removed,
24 the lashings are off, the anchor windlass is
25 disengaged and you push the button to open

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1 the hydraulic brake, in your experience, how
2 long would it take for the anchor to begin
3 moving?

4 THE INTERPRETER: I'm sorry.

5 Could you please repeat the question
6 and please pause it in between.

7 MR. REISMAN: Do what?

8 THE INTERPRETER: Could you
9 please repeat the question, and please
10 take a break in between so I will not
11 forget everything.

12 MR. REISMAN: Okay.

13 BY MR. REISMAN:

14 Q. So I'm going to give you the
15 assumptions first. So on the Dali, the
16 hydraulic -- strike that.

17 On the Dali the bow stopper has
18 been removed. The anchor lashings have been
19 removed. Do you push -- and the anchor
20 windlass is disengaged. So that's set up for
21 a gravity lowering, correct?

22 A. Yes.

23 Q. And in that configuration, you
24 push the button on the hydraulic brake to
25 open it.

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1 How long would it take for that
2 anchor to begin to move?

3 A. One to two minutes only.

4 Q. One to two minutes?

5 A. (In English:) You're asking me
6 when you press the button, everything is
7 ready?

8 Q. Everything is ready?

9 A. After everything is set up, and
10 when you press the button, the hydraulic jack
11 will move and it will come up.

12 Q. And it will take a minute?

13 A. Once you press the button, the
14 hydraulic jack will come up slowly. Once you
15 press the button, it will not come up fast.
16 Comes up slowly.

17 Q. Have you ever timed the amount of
18 time it takes for the anchor to begin to move
19 after you push the button to release break?

20 MR. BENNETT: Just note my
21 objection. Asked and answered.

22 A. No, I have never checked it.

23 BY MR. REISMAN:

24 Q. You're just estimating how long it
25 would take?

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1 A. It's an estimate.

2 Q. Is there a method that you're
3 aware of letting go the anchor on the Dali
4 that would have been faster than using the
5 hydraulic brake?

6 A. The brake has to be released.

7 Q. Let her --

8 A. You have to release the brake so
9 that -- if you have to lower the anchor, you
10 have to release the brake -- releasing the
11 brake and be done with two systems, one is
12 hydraulic jack system, and the other is
13 manual wheel system.

14 Q. Manual wheel?

15 A. (In English:) Yeah.

16 Q. In your experience, what is the
17 fastest way to let go of the anchor to use
18 the hydraulic brake or the manual wheel?

19 A. (In English:) Hydraulic brake.

20 Q. Hydraulic brake?

21 And during the period of time that
22 you worked on the Dali, when -- you actually
23 had to lower the anchor and raise the anchor,
24 correct?

25 A. Yes.

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1 Q. Do you have any idea how many
2 times you did that either raising or lowering
3 the anchor on the Dali before March 26, 2024?

4 A. I don't remember it exactly, but
5 we have done it two times or three times or
6 four times. We have done it.

7 Q. So you only operated the anchor on
8 the Dali three or four times you think?

9 MR. REISMAN: Explain -- go
10 ahead and say what --

11 A. I don't remember it exactly. We
12 have --

13 MR. REISMAN: Well, I don't want
14 to you to give if it's not exact, so
15 you need to tell him the same thing
16 you told us.

17 MR. BENNETT: I want exactly
18 what he just said.

19 MR. REISMAN: Well, she said she
20 can't. I would love that. She said
21 she can't.

22 MR. BELKNAP: I think she was
23 repeating what the witness said.

24 MR. BENNETT: Repeat what the
25 witness said.

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1 MR. REISMAN: Okay.

2 THE INTERPRETER: I will ask him
3 to say the information in shorter
4 segments so that I can repeat exactly.

5 MR. REISMAN: She was saying
6 that he said too much for her to tell
7 us. That's why I'm saying -- hang on.
8 Hang on. Stop. Stop.

9 THE WITNESS: (In English:)
10 Okay.

11 MR. REISMAN: Let's -- we need
12 to put in some rules for both of us.
13 Okay?

14 THE WITNESS: (In English:)
15 Okay.

16 MR. REISMAN: She's having
17 trouble -- if I say too much, too long
18 a question, she can't get it all. So
19 she's asked me to stop and break up my
20 questions.

21 THE WITNESS: Is it okay if he
22 says it in English so that you can
23 understand, and if he gets stuck, I
24 can help you.

25 MR. REISMAN: As long as -- the

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1 key is that it needs to be so that
2 you're able to tell us exactly what he
3 said. So that's why you need to be
4 able to stop him if he's going too
5 long and tell him to break up his
6 answer so that you can give to us
7 accurately. That's all we care about
8 is we want his answer to be accurately
9 reported.

10 THE INTERPRETER: Yes. I will
11 inform him that.

12 MR. REISMAN: And just tell him,
13 right, if he's going to -- have a
14 signal, whatever you need to do so
15 that he breaks it up into pieces so
16 you can accurately interpret it for
17 us.

18 THE INTERPRETER: Okay. What is
19 the question?

20 MR. REISMAN: That's a good
21 question.

22 So as far as he can recall, he's
23 only operated the anchor on the Dali
24 three or four times before March 26,
25 2024?

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1 THE WITNESS: I'm trying to tell
2 you this. I don't remember it
3 exactly. It might be two or three
4 times. Everything is in the record,
5 and I don't know it exactly.

6 BY MR. REISMAN:

7 Q. Before the Dali arrived in
8 Baltimore in March of 2024, had you used the
9 manual brake to let go the anchor?

10 A. Yes, we -- yes, we did it in
11 Baltimore. One or two days before that we
12 did it.

13 MR. REISMAN: I'm going to
14 object as nonresponsive.

15 MR. DUFFY: Why?

16 MR. REISMAN: I asked before
17 they arrived in Baltimore. I was very
18 specific.

19 MR. DUFFY: That's what he
20 answered.

21 MR. REISMAN: He said when they
22 got to Baltimore.

23 MR. DUFFY: Well --

24 MR. REISMAN: I'm objecting as
25 nonresponsive.

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1 MR. DUFFY: I just -- I think
2 you're mistaken. Go ahead.

3 MR. REISMAN: You got the
4 transcript right in front of you. So
5 -- I'm going ask him again.

6 Please ask him to listen
7 carefully to my question and answer
8 the question that I'm asking him.

9 I haven't asked him a question
10 yet. Just you've given -- have you
11 given that instruction? Does he
12 understand that?

13 THE WITNESS: (In English:)
14 Yeah.

15 BY MR. REISMAN:

16 Q. Before the Dali arrived in
17 Baltimore in March of 2024, had you ever used
18 the manual brake to let go the anchor on the
19 Dali?

20 A. Yes.

21 Q. When was that?

22 A. This is what I said earlier. I
23 don't remember it exactly, but one or two
24 days before that.

25 Q. Was that in Baltimore?

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1 A. I think its Baltimore.

2 MR. REISMAN: I'm going to
3 object as nonresponsive to his answer
4 to the last two questions.

5 BY MR. REISMAN:

6 Q. And I'm going to ask you again.

7 Before the Dali -- I will ask it a different
8 way.

9 Before the Dali arrived in
10 Norfolk, Virginia in March of 2024, had you
11 ever used the manual brake to let go the
12 anchor on the Dali?

13 A. I don't remember the date, time of
14 the boat. We put in the anchor in Panama
15 Canal.

16 MR. REISMAN: He did what?

17 THE INTERPRETER: He let go the
18 anchor in Panama Canal.

19 BY MR. REISMAN:

20 Q. With the manual brake?

21 A. Hydraulic brake. The hydraulic
22 brake did not work when we tried to lift it
23 up. It worked when we let it down -- did not
24 work. After that, whenever we let in the
25 anchor or when we lifted it up, it was

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1 manual.

2 Q. So when you let go the anchor at
3 the Panama Canal in March of 2024, you used
4 the hydraulic brake, correct?

5 A. Yes.

6 Q. So before the Dali arrived in the
7 United States in March of 2024, you had never
8 used the manual brake to let go the anchor;
9 is that correct?

10 A. Are you asking before the Panama
11 Canal?

12 MR. REISMAN: No. Before they
13 arrived in the United States, in
14 Newark in March of 2024. I don't
15 think that the questions --

16 Are you understanding the
17 question?

18 THE INTERPRETER: Yes.

19 MR. REISMAN: Okay.

20 BY MR. REISMAN:

21 Q. So before the ship arrived in the
22 United States in March of 2024, had he ever
23 used the manual brake to let go the anchor on
24 the Dali?

25 A. That's what I said before. Coming

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1 into the United States, in March 2024, we
2 used the -- we used it in Panama Canal. In
3 Panama Canal, we used the hydraulic brake to
4 let go the anchor, and we used manual to take
5 it up.

6 MR. REISMAN: Tell him I'm not
7 interested in what they used to pick
8 up the anchor. I'm asking about
9 letting go the anchor.

10 Had he ever used the manual
11 brake to let go the anchor before the
12 ship arrived in the United States in
13 March of 2024?

14 THE WITNESS: No.

15 MR. REISMAN: Has he ever seen a
16 written procedure for how to operate
17 the manual brake on the Dali?

18 THE WITNESS: I know that there
19 is a manual, but without looking at
20 the manual, I know about it.

21 MR. REISMAN: Does he know if
22 the manual has a specific policy for
23 how to operate the manual brake?

24 THE WITNESS: It might be, but I
25 know about it. I have worked on

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1 similar system in some other ship.

2 It's not a sister ship. It has the
3 same system like this wind system. So
4 I have worked on it, so I know about
5 it.

6 MR. REISMAN: So when he says I
7 know about it, he knows -- he's saying
8 I don't know how to operate the manual
9 brake. Is that what he's telling us?

10 THE WITNESS: Yes, I know.

11 BY MR. REISMAN:

12 Q. My question is, have you ever seen
13 a written procedure explaining how to operate
14 the manual brake on the Dali?

15 MR. BENNETT: Just note my
16 objection. Asked and answered.

17 A. I know that it should be there,
18 but I have never seen it.

19 BY MR. REISMAN:

20 Q. The normal procedure for letting
21 go the anchor on the Dali includes using the
22 hydraulic brake; is that correct?

23 MR. BENNETT: Just note my
24 objection.

25 A. Yes.

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1 BY MR. REISMAN:

2 Q. If the hydraulic brake and the
3 manual brake on the Dali were both working,
4 which one would you use to let go of the
5 anchor?

6 A. Hydraulic brake.

7 Q. Is that because the hydraulic
8 brake is easier to use?

9 A. (In English:) Yes.

10 Q. And the hydraulic brake is faster
11 to let go the anchor?

12 MR. BENNETT: Just note my
13 objection.

14 A. (In English:) Yes.

15 BY MR. REISMAN:

16 Q. Is using the hydraulic brake
17 faster than the manual brake?

18 MR. BENNETT: Just note my
19 objection.

20 A. You can't say that it is so fast
21 but there might have been some difference.

22 BY MR. REISMAN:

23 Q. How do you operate the manual
24 brake? I know you talked about a steering
25 wheel, a big metal wheel, but what did you

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1 have to do to operate the manual brake on the
2 Dali?

3 A. We have to turn it anticlockwise.

4 Q. How many turns do you have to turn
5 to make on that wheel in order for the brake
6 to open?

7 A. Only if you turn it three or four
8 times, it will start to move. At least three
9 times you should turn it. And then once it
10 starts to turn freely, it will go fast.

11 Q. How close is that manual brake,
12 that wheel to the anchor chain as it comes
13 out of the chain locker?

14 A. I will just show you the drawing.
15 You're asking the same thing.

16 Q. I'm asking the distance.

17 MR. REISMAN: If he can give us
18 the distance.

19 THE WITNESS: It will be nearby,
20 like near the other operating box on
21 the bridge.

22 BY MR. REISMAN:

23 Q. But how close? Can you show us
24 with your hands?

25 A. Like the distance between Duffy

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1 and me.

2 Q. Maybe a meter?

3 A. (In English:) Meter, yes.

4 Q. About one arm's length?

5 A. Yeah, one arm's length.

6 Q. Your arm length?

7 A. (In English:) This is one meter,
8 correct? I think so. Yeah.

9 Q. About the length of your arm?

10 A. (In English:) Yeah.

11 (Through the interpreter:) Everything
12 is an approximate. Not exactly. I
13 never measured it with a measuring
14 tape.

15 (Simultaneous unreportable crosstalk.)

16 BY MR. REISMAN:

17 Q. You said earlier when I asked you
18 about operating the manual brake that we have
19 to turn it, right?

20 A. Yes.

21 Q. How many men does it take to
22 operate that manual brake?

23 A. Are you asking how many men?

24 Q. Yes.

25 A. Two people is needed. Two people

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1 are needed.

2 Q. Two people are needed. Okay.

3 When you operated the manual brake
4 in Baltimore on March 23rd, how many people
5 actually turned the wheel to open the brake?

6 A. I would have to explain it. I
7 would say it step by step, and --

8 Q. I didn't hear what you said.

9 A. I would have to explain it.

10 THE INTERPRETER: He's telling
11 me that he'd say it step by step, and
12 I have to interpret it for you.

13 MR. REISMAN: I'm going stop
14 him.

15 BY MR. REISMAN:

16 Q. My question was how many men
17 actually turned the wheel on March 23rd?

18 A. I was standing alone first, and
19 when the master asked me -- there's something
20 called F key. So I -- F key. Master asked
21 me to let go the anchor. Then I used the F
22 key and tried to open the wheel. At the same
23 time he's telling to captain that he needs
24 help since he's alone. Still he was trying
25 to open it. F key is a lever. He was

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1 opening it using that lever, and at the same
2 time he was talking to the master that he
3 needs help.

4 MR. DUFFY: I'm just going to
5 object on that. Are you talking about
6 the 23rd or the 26th?

7 MR. REISMAN: I got it. I got
8 it. Hang on.

9 BY MR. REISMAN:

10 Q. My question was about March 23rd.
11 So before you got to the berth in Baltimore.
12 Are you describing March 23rd or March 26th.

13 So on March 23rd --

14 A. (In English:) One second. So
15 you're not asking about the incident time?

16 Q. Not yet.

17 A. (In English:) Before that?

18 Q. Correct.

19 A. So you're not asking about the
20 incident time? It's before that?

21 Q. Correct. When you let go the
22 anchor on March 23rd, you and another man
23 turned the wheel to let it go?

24 A. (In English:) Yeah, two men.

25 Q. Who was the other man?

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1 A. (In English:) OS. OS.

2 Q. OS? Was that Sunil Kumar?

3 A. (In English:) Yeah, Sunil Kumar.

4 Q. Let's go to Panama now. So you
5 had a problem with the hydraulic brake when
6 the ship was in Panama?

7 A. (In English:) Yes.

8 Q. Had you had a problem with the
9 hydraulic brake before Panama?

10 A. No.

11 Q. What happened in Panama with the
12 hydraulic brake?

13 A. The pump was running, but it did
14 not open.

15 Q. The hydraulic pump was running,
16 but when you pressed the button the brake
17 didn't open?

18 A. (In English:) The jack not coming
19 up.

20 Q. Am I correct?

21 A. (In English:) Correct.

22 Q. So you pushed the button, but it
23 wouldn't release the brake, and the anchor
24 could not be let go; is that right?

25 A. I'm saying that again and again

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1 the anchor is in the water. The
2 anchor -- the hydraulic worked when the
3 anchor was let go. It did not work when it
4 was taken up.

5 Q. I apologize. You're right. You
6 did say that earlier.

7 So you were trying to release the
8 anchor -- strike that.

9 You were trying to release the
10 brake in order to haul the anchor back in?

11 A. Yeah. When we tried, it did not
12 work.

13 Q. The hydraulic brake did not
14 function properly, correct?

15 A. Yes.

16 Q. We saw earlier that your job
17 duties in the ship management manual say you
18 are to report problems with equipment and
19 machinery to the chief officer.

20 Do you remember that?

21 A. Yes.

22 Q. When you were in Panama and the
23 hydraulic brake did not work, did you report
24 that to the chief officer?

25 A. Chief officer was there along with

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1 me at that point because whenever you let go
2 the anchor or take it up, the chief officer
3 has to be there. So when it did not work, I
4 immediately informed him that it did not
5 work.

6 Q. Do you know if the chief officer
7 reported that problem with the hydraulic
8 brake to Synergy's shoreside managers?

9 A. Chief officer knows about it.
10 They don't discuss it about that with me.
11 The communications between the officer and
12 the chief officer, it does not reach
13 me -- and the management team, it does not
14 reach me.

15 Q. But you relied on the chief
16 officer to do what was necessary to get the
17 hydraulic brake fixed, correct?

18 MR. BENNETT: Just note my
19 objection.

20 A. As long as I informed the chief
21 officer, the chief officer informed
22 -- immediately, the chief officer informed
23 the captain, and they informed engine room
24 and everybody came forward.

25 BY MR. REISMAN:

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1 Q. Were they able to fix it?

2 A. Captain chief engineer, second
3 engineer, third engineer, electrical officer,
4 everybody came forward, and they were --

5 Q. Just repeat what you said before
6 so she can get that. We'll let you explain
7 more if you want, but...

8 A. When the power button did not
9 work, I immediately informed the chief
10 officer. Chief officer informed the master
11 through walkie-talkie.

12 Q. Did you hear the that?

13 A. (In English:) Huh?

14 Q. Did you hear the chief officer
15 notify the master?

16 A. I also have walkie-talkie on the
17 same channel so I can hear it. Master
18 informed the engine room. Then captain,
19 chief engineer, third engineer, captain,
20 chief engineer, second engineer -- electrical
21 officer all came forward.

22 So the pilot was coming to take
23 the ship in to enter the Panama Canal. So
24 all the technical team came since they were
25 having further time all came forward, and

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1 they checked the power. They could not find
2 anything, so I asked them to use the manual
3 brake so that they can pick it up, and they
4 can find the reason later, so now they can
5 move.

6 Q. Did that incident happen with the
7 hydraulic brake not working on the pacific
8 side of the Panama Canal?

9 A. It was on the other side. We are
10 crossing from Korea to Panama Canal. We came
11 from Korea, crossed the Panama
12 Canal -- what's the name of the sea?

13 (In English:) What's the name of
14 the sea?

15 Q. Atlantic. The Atlantic Ocean?

16 MR. DUFFY: I can't --

17 THE WITNESS: (In English:) One
18 second.

19 MR. REISMAN: Why don't you have
20 him tell you in Tamil. If he doesn't
21 remember, that's fine.

22 MR. DUFFY: David, why don't you
23 pass on that and ask the chief
24 officer.

25 MR. REISMAN: That's what I'm

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1 saying. If he doesn't remember,
2 that's fine. Why don't we stop
3 drawing.

4 THE WITNESS: (In English:)

5 Maybe Pacific. Pacific. This is
6 America. This is the Panama Canal.
7 We are coming from here. But which
8 sea, I don't --

9 BY MR. REISMAN:

10 Q. You don't know. If you don't
11 know, just tell me you don't know. That's
12 fine. If that's true, just say I don't know.

13 MR. DUFFY: I think he just
14 proved it's true.

15 BY MR. REISMAN:

16 Q. So from the time that you had that
17 problem with the hydraulic brake in Panama
18 until the accident on March 26th in
19 Baltimore, was the hydraulic brake ever
20 repaired?

21 A. I'm not sure if they -- I'm not
22 sure if they repaired it or not. It is up to
23 the technical team, but I was not informed.
24 Normally, when the repair is done, they'll
25 call me to do a trial, but nobody asked me to

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1 do that.

2 Q. So as far as you knew, when the
3 Dali departed Baltimore on March 26th, the
4 hydraulic brake was still not operating; is
5 that correct?

6 A. Yes.

7 Q. And your understanding was when
8 the Dali departed Baltimore on March 26th,
9 you could not use the hydraulic brake; is
10 that correct?

11 A. Once they report that an equipment
12 is not working, and once they fix it up,
13 until they come back and say that it is
14 fixed, I don't operate it because it might
15 cause some other trouble.

16 Q. And just to be clear, were you
17 told before the ship departed Baltimore on
18 March 26th that the hydraulic brake had been
19 repaired?

20 A. No, did not.

21 Q. From the time you had the problem
22 with the hydraulic brake in Panama until the
23 accident on March 26th, were you given any
24 changes in procedures for anchoring?

25 A. No. Hydraulic brake did not work,

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1 so we had to use the manual thing. I know
2 the difference.

3 Q. I understand that. My question
4 is, did anybody tell you that there's a new
5 procedure to use for anchoring?

6 A. I'm the one in charge of the
7 anchor so I was the one who was told to use
8 manual brake instead of hydraulic brake. So
9 that was changed. No other difference.

10 MR. REISMAN: He needs to listen
11 carefully to my question -- please
12 tell him that -- and answer the
13 question that I'm asking you.

14 BY MR. REISMAN:

15 Q. From the time you had the problem
16 with the hydraulic brake in Panama until the
17 accident on March 26, 2024, did anybody tell
18 you that the procedure for anchoring had been
19 changed?

20 A. No.

21 Q. From the time you had the problem
22 with the hydraulic brake in Panama until the
23 accident on March 26, 2024, did anybody tell
24 you that the procedure for preparing the
25 anchor to be let go had been changed?

1 A. No.

2 Q. From the time you had the problem
3 with the anchor in Panama with the hydraulic
4 brake in Panama until the accident on
5 March 26, 2024, are you aware of any risk
6 assessments that were performed for operating
7 the Dali with an inoperable port hydraulic
8 anchor break?

9 A. I don't remember anything happen
10 like that or anybody said to me about that.

11 Q. Would you remember if you
12 participated in a risk assessment for the
13 anchoring operation?

14 A. Yes.

15 Q. And you don't remember
16 participating in a risk assessment, correct?

17 A. No.

18 Q. Am I correct?

19 A. Yes.

20 Q. From the time you had the problem
21 with the hydraulic brake in Panama until the
22 accident on March 26, 2024, did you
23 participate in any safety meetings where
24 preparations for anchoring or anchoring
25 operations were discussed?

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1 A. Meetings would have happened
2 because the distance from Panama Canal to
3 Newark is a long sail, so meetings would have
4 happened, but I'm not sure if they talked
5 about this.

6 Q. When you attended safety meetings
7 on the Dali, did you always sign in on the
8 forms with your name?

9 A. No.

10 Q. Were you supposed to sign in?

11 A. Only the management team signs it,
12 captain, chief officer, chief engineer, and
13 second engineer.

14 Q. So you never would sign in for the
15 safety meetings?

16 A. No.

17 Q. Am I correct?

18 A. Yes.

19 Q. Were you ever trained on the
20 United States regulations for letting go
21 anchors?

22 A. No.

23 Q. Do you know what the United
24 States' regulations say with respect to
25 letting go of anchors?

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1 A. I don't know anything specific to
2 a country. I just know the general rules.

3 Q. What do you understand the general
4 rules for letting go anchors to be?

5 A. Do you want me to explain it step
6 by step?

7 Q. Yes.

8 A. If there's a pilot on board, his
9 order, or if he's not there, the chief -- the
10 captain's order. The chief officer and I
11 follow that. And they both handle the
12 anchor. The master or somebody says
13 that -- if the master says to lower the
14 anchor above the water.

15 THE INTERPRETER: This is the
16 interpreter speaking. I would like to
17 ask him to repeat that.

18 MR. REISMAN: Okay. You can ask
19 him to repeat it, but I'm going to
20 tell him that I don't think he's
21 answering the question I asked. So --
22 but go ahead repeat what he said, and
23 then we're going to stop there.

24 A. You're asking for the procedure?

1 BY MR. REISMAN:

2 Q. No, I'm not asking for the
3 procedure. I'm asking for -- my question to
4 you before -- so maybe I misunderstood you.
5 So we'll back up.

6 Do you know what the United States
7 Government's regulations say with regard
8 letting go of anchors?

9 A. I don't know anything specific to
10 the American government, but I know the
11 general thing.

12 MR. REISMAN: When he says the
13 general thing, is he talking about the
14 ship's procedure for letting go
15 anchors?

16 THE WITNESS: I'm telling about
17 the anchor's procedure.

18 BY MR. REISMAN:

19 Q. I'm not asking about the ship's
20 procedure. I'm asking about any government
21 requirement?

22 A. I don't know anything about
23 government requirement.

24 Q. Let's go to March 26th, the day of
25 the accident.

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1 Do you understand?

2 When did you come on watch or
3 begin working in preparation for departure
4 from Baltimore on March 26th?

5 A. 1800. I came to watch at 6:00,
6 like I already mentioned.

7 Q. So on March 25th -- hang on a
8 second. She didn't hear it.

9 A. It's 6:00, 6:00 p.m., 1800 I came
10 on watch on 25th.

11 Q. So you worked from 6:00 p.m., 1800
12 until midnight on March 25th, right?

13 A. Yes, I was there continuously
14 because I worked continuously because the
15 ship was sailing. At the same time incident
16 also happened.

17 Q. So you worked 1800 to midnight,
18 but then you continued working for departure?

19 A. (In English:) Yes, sir.

20 Q. At what point did you start
21 preparing for departure?

22 A. 6:00 I came on the watch. After
23 that, I don't remember what time cargo got
24 finished, 10, 1030. 10:00 means 2200. After
25 that, I called all my crew, approximately

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1 10:00. And then I call my crew. They check
2 the lashing and everything else for the
3 sailing. And after 11:30 or 12, I don't
4 remember that exactly. The pilot came on
5 board. After that pilot came on board, we
6 secured the gangway and everything and went
7 to station. We removed all the ropes, and
8 the ship came out.

9 Q. You're getting a little ahead.
10 That's okay.

11 A. (In English:) Okay.

12 Q. So at some point after the pilot
13 arrived, you were sent to your station?

14 A. It is normal as soon as the pilot
15 comes in, the master asked us to take the
16 gangway and go for the station.

17 Q. And your station was on the bow?

18 A. (In English:) Yeah.

19 Q. Was there anybody else on the bow
20 with you as the ship prepared to depart from
21 Baltimore?

22 A. OS and chief officer.

23 Q. And did the ship come off the
24 berth without any problems?

25 A. No problem until it came out of

1 the berth.

2 Q. And at some point, did the master
3 release the chief officer to leave the bow?

4 A. Once all the lines are onboard,
5 the master informs the chief officer to go to
6 rest, so the chief officer left forward to
7 cabin.

8 Q. And so the chief officer left the
9 bow before the first blackout on March 26th,
10 correct?

11 A. He went even before tugboat.

12 Q. I understand. But before the
13 first blackout, the chief officer
14 left -- just answer my question.

15 A. (In English:) Okay.

16 Q. I want you to be able to answer,
17 but I want you to answer my question.

18 So the chief officer was released
19 and left the bow before the first blackout,
20 correct?

21 A. Correct.

22 Q. And at that point, how many tugs
23 were made up alongside the Dali?

24 A. Are you asking --

25 Q. The chief officer was released?

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1 A. One tug -- forward was one tug.

2 When the chief officer left, it was already
3 tied up to the vessel.

4 Q. Was there another tug on the
5 stern?

6 A. (In English:) I don't remember
7 that.

8 Q. There may have been. You just
9 don't know?

10 A. Yes, it might have or might not
11 be. I don't know.

12 Q. Who was the other individual that
13 was on the bow with you?

14 A. OS.

15 Q. OS? Sunil Kumar?

16 A. (In English:) Sunil Kumar.

17 Q. And at some point before the first
18 blackout, was Sunil Kumar released to leave
19 the bow?

20 A. During the first blackout, there
21 was no chief officer or Sunil. I was there
22 alone.

23 Q. Let's back up now. You're at the
24 berth. You said you were sent to your
25 station by the master. You removed the

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1 gangway, and you go to the bow station,
2 correct?

3 A. Yes.

4 Q. What did you do when you got to
5 the bow?

6 A. Plus we have two -- we passed the
7 tugboat. As per the master's order, we leave
8 one by one.

9 Q. So you went to the bow. You made
10 up the tug to the ship?

11 A. (In English:) Yeah.

12 Q. And then you started releasing the
13 lines to the berth?

14 A. (In English:) Yeah.

15 Q. Did you do anything else on the
16 bow?

17 Let her get that, and then you can
18 finish.

19 A. I already checked the anchor. The
20 anchor was ready. It was the normal routine
21 there. And then I make past the tugboats and
22 cast the mooring lines. After all lines are
23 onboard, master asked the chief officer to
24 knock off. Knock off is rest.

25 After that, Sunil and me secured

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1 the forward winding lines. And then master
2 called me through the walkie-talkie and asked
3 me to cast off the tug.

4 Q. Let's stop there.

5 A. (In English:) Okay.

6 Q. I want to go back now. You said
7 that part of your normal procedure when you
8 would go to your bow station was to check the
9 anchors?

10 A. Making everything ready, not only
11 the anchor, removing the red cards, keep the
12 messenger line for the tugboat. Check
13 everything.

14 Q. Let's talk about the anchors.

15 When you got to the bow on March 26th as you
16 were preparing to depart Baltimore, what did
17 you do with respect to the anchors?

18 A. The anchor was already ready. I
19 just cross-checked.

20 Q. What did you do to cross-check?

21 Tell me what you did.

22 A. The lashing was already removed.
23 I just have to check the bow stopper. Bow
24 stopper and the brake. That's it. So we
25 released the -- we take out the bow stopper

1 and release the brake.

2 Q. So when you got to the bow on
3 March 26th, were the anchor lashings already
4 removed?

5 A. (In English:) Yes.

6 Q. And I think you told us this
7 earlier that the Hawes plate and the Spurling
8 plate were out.

9 A. (In English:) Okay.

10 Q. Let's talk about the bow stopper.
11 What did you do to check on it?

12 A. I just listed the bow stopper up
13 and down to check that it is moving.
14 Sometimes when the anchor chain is on top of
15 -- anchor chain touches the bow stopper, we
16 cannot move the bow stopper.

17 If I try to lift the bow stopper,
18 and if it does not move, I will just take the
19 anchor line a little bit back so that it
20 moves freely. It will be always moving
21 freely. I just cross-check it.

22 Q. Did you have -- I didn't want cut
23 you off, but I want to make sure she got
24 that.

25 Did you have more to say?

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1 A. I just check if it is moving free.
2 Once it is moved free, I just leave it. The
3 pin will be already removed. There are very
4 less chances for it to touch that. It
5 normally does not happen. I just want -- I
6 just check that it does not happen.

7 Q. Who removed the pin from the bow
8 stopper?

9 A. Me.

10 Q. When did you do that?

11 A. It was done before while coming
12 in.

13 Q. While the ship was arriving in
14 Baltimore?

15 A. (In English:) Yeah, yeah.

16 Q. And you kept it out the whole time
17 the ship was in Baltimore?

18 A. Yes, it was separate. When going
19 out, we do it to sea secure.

20 Q. And you said there was no tension
21 on the bow stopper. You could just lift it
22 up freely and move it, correct?

23 A. The system is like this. There's
24 a counterweight on the other side, and when
25 we lift it -- it will be like this. The

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1 handle is on the one side, and on the other
2 side, there will be counterweight. Once when
3 we lift this, due to the gravity, the
4 counterweight lowers.

5 Q. I understand that. I'm not asking
6 that. First, can you take the drawing that
7 we have attached as an exhibit and let's move
8 that away. I don't want that to get marked
9 on. Put it in that pile with the other
10 exhibits, and let's move that down there. I
11 just don't want to mess that up.

12 My question wasn't about the
13 weight of the bow stopper. It was the weight
14 of the chain. So the chain -- the entire
15 time that the ship was in Baltimore in March
16 of 2024, the bow stopper wasn't doing
17 anything, correct?

18 A. Bow stopper was free always.

19 Q. So the only thing holding the
20 anchor the entire the ship was in Baltimore
21 was the brake?

22 A. Brake and also the bow stopper.

23 (In English:) Bow stopper was on.
24 Only the pin was removed. Bow stopper is on.

25 Q. But there was no weight on the bow

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1 stopper?

2 A. (In English:) No weight, no
3 weight.

4 Q. So the only thing holding the
5 anchor's weight the entire time the ship was
6 in Baltimore was the brake?

7 A. (In English:) Yeah, brake.

8 Q. Is that how you normally do it
9 when you come into port?

10 A. (In English:) If the brake slips,
11 the bow stopper supports.

12 Q. That's not what I asked.

13 MR. REISMAN: So I'm going to
14 object as nonresponsive.

15 BY MR. REISMAN:

16 Q. And I'm going to ask you just to
17 listen carefully to my question?

18 A. (In English:) Yes, sir, brake is
19 on.

20 Q. Is your normal procedure when
21 you're in port for the only thing to be
22 holding the anchor is the brake?

23 A. (In English:) Yes, sir. Yes,
24 sir, on brake.

25 Q. Only the brake?

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1 A. (In English:) Only the brake.

2 Q. Were you the only person assigned
3 to check the anchor before departure from
4 Baltimore on March 26th?

5 A. Normally, I check it. If there's
6 an OS nearby, I will ask him to check, but,
7 normally, it was my duty.

8 Q. What about on March 26th? Were
9 you the only person to actually check the
10 anchor setup before departure?

11 A. It was me.

12 Q. Just you?

13 A. Yes, only me.

14 Q. Once the ship came off the berth
15 on March 26th, did you have a specific job on
16 the bow?

17 A. After coming out on the 26th?

18 Q. On the 26th?

19 A. We could not move forward. It was
20 broken.

21 Q. What was broken?

22 A. You're saying about after 26th?

23 You were asking --

24 Q. No.

25 THE STENOGRAPHER: The

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1 interpreter needs to interpret.

2 MR. REISMAN: Sorry.

3 THE WITNESS: He asked, are you

4 asking about after 26th?

5 BY MR. REISMAN:

6 Q. No. I'm talking about on
7 March 26th, the ship came off the berth.

8 Were you supposed to serve as a lookout?

9 A. Not lookout. That's not called
10 lookout. Chief officer left the forward
11 station after the lines cast. After the
12 chief officer left, OS and me were checking
13 the forward station -- securing the forward
14 station. And then master asked me to cast
15 out the tug. And then OS and me cast out the
16 tug.

17 And then captain said -- after
18 that captain asked me to -- you stand on the
19 forward, and tell the OS to put the starboard
20 side pilot lever. And then captain told me
21 only one man. He used the same words, only
22 one man, you stand on the forward station and
23 sent the OS to ring the pilot lever.

24 Q. Normally, two men would stay on
25 the forward station?

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1 MR. BENNETT: Just note my
2 objection.

3 A. (In English:) Yes, sir. Correct,
4 sir.

5 BY MR. REISMAN:

6 Q. How many men would normally stand
7 on the forward station while the ship is
8 underway in a navigating area?

9 A. Are you asking during the station
10 or after station?

11 Q. I don't understand the question.
12 Let me just ask a new question.

13 Once the ship comes off of the
14 berth but is still in port, how many men are
15 assigned to stand on the bow to monitor the
16 anchors?

17 A. (In English:) Are you asking --
18 one second. You're asking me all ropes is
19 cast, correct? All rope onboard?

20 Q. Yes.

21 (Simultaneous unreportable crosstalk.)

22 A. (In English:) All mooring lines
23 are on board.

24 Q. Yes.

25 A. Are you asking about when all the

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1 ropes are onboard, and all the lines are
2 onboard, but the ship has started to turning?

3 (In English:) Is that what you're
4 asking me?

5 Q. No. I'm talking about in general.

6 A. (In English:) Okay.

7 Q. When the ship comes off the berth

8 --

9 A. (In English:) Okay.

10 Q. -- but still in is port, normally,
11 there would be two men positioned on the bow
12 to monitor the anchors.

13 MR. BENNETT: Just note my
14 objection.

15 BY MR. REISMAN:

16 Q. Is that correct?

17 A. When you say that it is within the
18 port, are you asking it is turning?

19 Q. I'm not talking about March 26th.
20 I'm just talking about in general.

21 A. (In English:) I'm also telling
22 about normal things. I'm asking you. You're
23 saying station is finished. That's what
24 you're asking. Station finished -- station
25 means mooring station?

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1 Q. Yes.

2 A. (In English:) You're asking me
3 about mooring job is finished, correct?

4 Q. Yes.

5 A. (In English:) After mooring job,
6 but ship still in there, not in harbor.

7 Still in the channel, correct?

8 Q. Correct.

9 A. (In English:) Ah, channel. Still
10 in the channel. So are you asking me if ship
11 is still turning in channel, how many person
12 on the forward. That's your question,
13 correct?

14 Q. Yes.

15 A. (In English:) That time, master
16 is different, master is saying --

17 Q. I'm not asking about March 26th.
18 I'm talking about --

19 A. (In English:) No, no. I am also
20 talking about common only. So the master
21 sometime telling after channel -- whatever,
22 one of us, two of us, three of us, four of
23 us, after the channel, chief first came, then
24 only chief can left. Master stay --

25 Q. Let her --

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1 A. Master can decide only after --
2 master can decide when the chief officer can
3 leave.

4 (In English:) Yeah, some captain
5 saying -- okay --

6 Q. I'm not asking about the chief
7 officer. Okay?

8 A. Okay.

9 MR. BENNETT: David, you got to
10 let him finish because he said he was
11 giving you a general answer. He's
12 explaining everything to you, and you
13 keep cutting him off.

14 MR. REISMAN: I have not cut him
15 off before. I may have cut him off
16 right there because I want to be clear
17 what I'm asking him about, but if he
18 wants to finish he can finish.

19 A. (In English:) Simply I saying
20 this all because of the master, and it
21 depends on the master. We are all following
22 the master's order. If the master says to
23 stay forward, I will stay forward. Master is
24 saying stay two men forward, I will get two
25 men will be forward. Master is saying one

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1 man on forward, I will be on man follow. We
2 all follow the captain's order because he's
3 the captain.

4 (Unintelligible.)

5 BY MR. REISMAN:

6 Q. I understand that.

7 MR. REISMAN: All right. You
8 need to repeat that.

9 A. If the master says two men
10 forward, then two men will be forward. If
11 the master says one man forward, then one
12 will be forward. We all follow the master's
13 order because he's the captain.

14 BY MR. REISMAN:

15 Q. And, typically, you would have two
16 men that would stay positioned on the bow to
17 monitor the anchors while the ship is in the
18 channel, correct?

19 MR. BENNETT: Just note my
20 objection.

21 BY MR. REISMAN:

22 Q. You can answer.

23 A. Correct.

24 Q. But on March 26th, only you were
25 left on the bow to monitor the anchors,

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1 correct?

2 A. Correct.

3 Q. And the reason for that was

4 because the crew was short a man, correct?

5 MR. BENNETT: Just note my

6 objection.

7 MR. DUFFY: Objection.

8 A. There was a man shortage, but the
9 master asked me to do that. So I'm not sure
10 if it is due to the shortage. The master
11 asked me to do it.

12 BY MR. REISMAN:

13 Q. Do you know why one of the crew
14 members had to leave the ship in Baltimore?

15 A. That was his personal problem. I
16 don't know anything about it.

17 Q. Did he report to you that
18 individual?

19 A. What?

20 Q. Did he -- did you supervise the
21 crew member who left the ship in Baltimore?

22 A. He's not under me. He's directly
23 under the chief officer. He's a deckhand.

24 Q. And when he left the ship in
25 Baltimore, was another crew member sent to

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1 the ship to replace him?

2 A. No.

3 Q. So the crew was short-handed when
4 it left Baltimore on March 26th?

5 MR. BENNETT: Just note my
6 objection.

7 A. Yes.

8 BY MR. REISMAN:

9 Q. Was the crew short-handed --

10 A. That's because -- only because of
11 that, I was on watch for gangway --

12 Q. You had to do his work because --

13 A. (In English:) Yeah, correct.

14 (Through the interpreter:) Because
15 that man gone home I had to do that.

16 BY MR. REISMAN:

17 Q. So, again, I know there was an
18 objection, so I'm not sure what was asked and
19 what was answered, so I apologize in advance.

20 So when the Dali departed
21 Baltimore on March 26th, was it short-handed?

22 A. (In English:) Correct.

23 Q. So there weren't enough men to
24 cover all of the usual assignments as it left
25 Baltimore on March 26th?

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1 MR. BENNETT: Just note my
2 objection.

3 BY MR. REISMAN:

4 Q. Is that correct?

5 A. There's a departure station. And,
6 after that, it is only maintenance.

7 Q. I want to go back and confirm
8 something.

9 So when the ship left the berth on
10 March 26th, the bow stopper was up or it was
11 down?

12 A. Down, but pin was removed.

13 Q. So as the ship left the berth and
14 headed towards the Francis Scott Key Bridge,
15 in order to let go the anchor, you would have
16 had to lift the bow stopper --

17 A. (In English:) Yeah.

18 Q. -- and you would have had to open
19 the manual brake?

20 A. (In English:) Yeah, with the F
21 key.

22 Q. With that lever?

23 A. (In English:) Yeah. I opened --

24 MR. WALKER: You shouldn't be
25 doing that.

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1 MR. REISMAN: What was he doing?

2 MR. WALKER: Motioned to his
3 client to stop talking, and he didn't
4 answer. That's not proper.

5 MR. DUFFY: Sue me.

6 MR. REISMAN: I didn't hear what
7 you said.

8 MR. DUFFY: Sue me.

9 BY MR. REISMAN:

10 Q. So the master ordered that the OS
11 who was with you on the bow should leave the
12 bow and go rig the pilot ladder before the
13 first blackout on March 26th?

14 MR. BENNETT: Just note my
15 objection.

16 A. Yes.

17 MR. REISMAN: What was the basis
18 of the objection?

19 MR. BENNETT: It was leading.

20 MR. REISMAN: Okay.

21 BY MR. REISMAN:

22 Q. How long after the ship came off
23 the berth was it before you realized that
24 there had been a blackout?

25 A. I don't remember the time.

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1 Q. Did you realize that the ship had
2 blacked out?

3 A. (In English:) Yes.

4 Q. How did you realize that?

5 A. There was no power, and it went
6 dark. Not really the power. Like I said
7 before, when the power goes out -- when the
8 blackout happens everything will be stopped.
9 No noise.

10 Q. So you noticed that the lights had
11 gone off, and the sound of the machinery had
12 stopped; is that right?

13 A. (In English:) Yes.

14 Q. And that --

15 A. Yes.

16 Q. And that told you that the ship
17 had blacked out?

18 A. Correct.

19 Q. Did you hear anything on the radio
20 telling you that the ship had blacked out?

21 A. The captain said stand by on the
22 anchor, and then I let go the -- I take out
23 the bow stopper and cast the anchor brake
24 wheel and was standing there.

25 Q. How long was it between when you

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1 realized the ship had blacked out and until
2 you received the order from the captain to
3 stand by?

4 A. Immediately. Immediately. There
5 was blackout. I felt it, and the captain saw
6 it immediately.

7 Q. And you were still alone on the
8 bow at that time?

9 A. Yes, I was alone on the bow.

10 Q. Do you know where the nearest crew
11 member was to you at that time?

12 A. Gangway and pilot ladder.

13 Q. How far away from the anchor
14 windlasses is that?

15 A. One man was on the gangway, and
16 two people went to pilot ladder -- two went
17 to the pilot station that's on the deck.
18 When I asked the captain to send me some
19 help, the captain ordered somebody go and
20 help the bosun, so the gangway person came to
21 help.

22 Q. So there was one man at the
23 gangway which was at the accommodation level
24 area, correct?

25 A. (In English:) Yeah.

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1 Q. How long do you think it would
2 take you to walk from where the gangway was
3 to the bow where the anchors are located?

4 A. (In English:) Depends upon the
5 speed to walk, speed to run.

6 Q. How long would it take to run?

7 THE STENOGRAPHER: I didn't --

8 A. It depends upon the time taken to
9 walk and the time taken to run. Depends upon
10 his speed.

11 BY MR. REISMAN:

12 Q. How long would it take you to run
13 from the accommodation where the gangway was
14 to the bow where the anchors were?

15 A. (In English:) Run or walk?

16 Q. Run.

17 (Reporter clarification.)

18 (Unintelligible.)

19 THE STENOGRAPHER: Everything
20 has to be through the interpreter.

21 MR. BENNETT: Why don't we take
22 a break?

23 MR. REISMAN: All right. Let me
24 just say this. You have got to -- I
25 know you're trying very hard. But you

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1 have to listen to the question I'm
2 asking you.

3 THE WITNESS: (In English:)

4 Okay.

5 MR. REISMAN: You're not
6 answering my question.

7 THE WITNESS: (In English:)

8 MR. REISMAN: You're answering
9 questions that I haven't asked. So
10 I'm going to object to whatever you
11 just said as nonresponsive.

12 THE WITNESS: (In English:)

13 Okay.

14 MR. REISMAN: And we are going
15 to take a break, and when we come
16 back, I really want you to concentrate
17 on listening to the question I'm
18 asking you. If you don't understand
19 it, tell me, but otherwise answer my
20 question and only my question.

21 THE WITNESS: (In English:)

22 Okay.

23 MR. REISMAN: Okay? So we are
24 going to take a break. How long do
25 you guys want?

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1 THE VIDEOGRAPHER: Going off the
2 record at 3:41 p.m.

3 (A brief recess was held from
4 3:41 p.m. to 4:00 p.m.)

7 | BY MR. REISMAN:

8 Q. Bosun, I think your attorney
9 probably talked to you about this, and I'm
10 just going to remind you. I know I said it
11 before we took the break. Please be very
12 careful in listening to my question and just
13 answer my question. Okay?

14 A. (In English:) Okay.

15 Q. We don't want to waste time
16 talking about things that's nobody is asking.
17 I know it's important and maybe interesting,
18 but it's important that we just limit your
19 answers to the question that you're being
20 asked. Okay?

21 A. (In English:) Okay.

22 Q. And if you don't understand the
23 question, again, I want to you to tell me
24 that.

25 A. (In English:) Okay.

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1 Q. And I will repeat it or rephrase
2 it so you can. So you should never have a
3 situation where you're answering something I
4 didn't ask because, if you didn't understand
5 the question, you'll tell me. Right?

6 A. (In English:) Okay.

7 Q. Okay. So we are going to go back,
8 and I'm asking you, how long would it have
9 taken you to run from the accommodation where
10 the gangway was to the bow where the anchors
11 were, you?

12 A. I have never tried running there,
13 but, approximately, I can say it is two
14 minutes.

15 Q. Two minutes? And that was the
16 location where the nearest crew member was to
17 you when you got the order to stand by with
18 the anchors, correct?

19 A. Yes, they were near the gangway.

20 Q. So you felt the ship blackout, and
21 then the master told you to stand by. How
22 long was it after you were told to stand by
23 until the master told you to let go of the
24 anchor?

25 A. It was immediately. First there

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1 was a blackout, and then there was stand by,
2 and then there was a second blackout, and
3 then let go. And then I was asked to let go.

4 Q. So were the lights on the ship on
5 when you were told to let go of the anchor?

6 A. No. There was the second
7 blackout. The second blackout happened when
8 I was asked to let go of the anchor.

9 Q. You remember being interviewed by
10 the NTSB and the Coast Guard you told us
11 earlier?

12 A. Yes.

13 Q. And that was on March 28, 2024,
14 correct?

15 A. I don't remember the date, but if
16 it is in the record, it should be right.

17 Q. When you were interviewed by the
18 Coast Guard and the NTSB, that was just
19 within a couple of days after the accident?

20 A. Yes.

21 Q. Would you agree that your memory
22 of the events were better at the time of the
23 Coast Guard and NTSB interviewed you than
24 they are today?

25 MR. BENNETT: Just note my

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1 objection.

2 A. Yes, since I was on the spot, my
3 memory would have been better.

4 BY MR. REISMAN:

5 Q. I didn't hear you.

6 A. Since was I on the spot, the
7 memory would have been better.

8 Q. Was your memory of the incident
9 better when you were interviewed by the NTSB
10 than it is today, roughly a year later?

11 A. Yes.

12 Q. If you told the NTSB that the
13 power was on when you were given the order to
14 let go the anchor, do you have any reason to
15 believe that's incorrect?

16 MR. BENNETT: Just note my
17 objection.

18 A. Yes, but I did not say that. I
19 told them that there was first blackout,
20 standby, and then second blackout, and then I
21 was asked to let go of the anchor.

22 BY MR. REISMAN:

23 Q. When is the last time you looked
24 at the transcript of your NTSB interview?

25 A. I never saw that.

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1 Q. But you're sure what you told
2 them?

3 A. Yes, I remember that.

4 Q. Are you aware that all the
5 conversations you had on the radio on the
6 night of March 26th were being recorded by
7 the VDR on the bridge, on the ship's bridge?

8 A. Yes, I know that there's a video
9 system which records everything.

10 Q. Would you agree that the
11 recordings from the VDR are more accurate in
12 terms of timeline than your memory today?

13 A. Yes.

14 Q. So let's go back now. The master
15 at some point told you to let go of the
16 anchor, correct?

17 A. Yes.

18 Q. How long after the first blackout
19 was it until the master told you to let go of
20 the port anchor?

21 A. He did not say let go after the
22 first blackout. He did it after the second
23 blackout.

24 MR. REISMAN: I'm going to
25 object as nonresponsive.

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1 MR. BENNETT: What's
2 nonresponsive about that question?

3 MR. REISMAN: Because I asked
4 him how long, Bill.

5 MR. BENNETT: No. You --

6 MR. REISMAN: Yes. Why don't
7 you read it.

8 (Simultaneous unreportable crosstalk.)

9 MR. BENNETT: I did read it.
10 You predicated it, and he was
11 correcting your predicate.

12 MR. REISMAN: I don't think
13 you're right about that.

14 MR. BENNETT: Yes, he was.

15 MR. REISMAN: But, Bill, you
16 haven't been right about much, so
17 that's okay.

18 I'm going to ask my question
19 again. I objected to the last
20 response as nonresponsive.

21 BY MR. REISMAN:

22 Q. I'm going to ask you again. How
23 much time passed between the first blackout
24 until the master told you to let go of the
25 port anchor?

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1 A. I don't remember the exact time.

2 Even during the initial interview, I told
3 them that it happened soon after that, but I
4 don't remember the exact time.

5 Q. When you got the order to let go
6 of the port anchor, were you still the only
7 person on the ship's bow?

8 A. Yes.

9 Q. Do you know whether the emergency
10 generator ever came on after the first
11 blackout and before the second blackout?

12 THE INTERPRETER: I'm sorry.

13 Could you please repeat that?

14 MR. REISMAN: Does he know if
15 the emergency generator came on
16 between the first blackout and before
17 the second blackout.

18 THE WITNESS: I know that
19 between the first blackout and the
20 second blackout, there was power. The
21 power came and went, but I don't know
22 which power was that -- which
23 generator was that.

24 BY MR. REISMAN:

25 Q. Do you know if the emergency

207

1 generator stayed on through the second
2 blackout?

3 A. The power came back after the
4 second blackout, but I don't know the power
5 came from which generator. I'm not sure
6 which generator gave us the power.

7 Q. How long after the second blackout
8 was it before the power came back on?

9 A. During that situation, it was a
10 dangerous situation, and I was not looking at
11 the time.

12 Q. You don't know how much time? Let
13 her --

14 A. The bridge is below us nearby.
15 There was a blackout. Master is shouting me
16 to let go of the anchor. And I'm trying to
17 open the brake, and I'm also reporting to the
18 captain to send me another person. My life
19 was in danger, and I was scared. I was
20 terrified. My only goal was to enable
21 the -- to let go the anchor to enable it and
22 to escape from that place. So I did not know
23 time or anything else.

24 Q. How close were you to the bridge,
25 to the Francis Scott Key Bridge, when you

208

1 received the order to let go of the anchor?

2 A. That's what I'm saying. It was
3 very near, but I don't know how many meters.

4 Q. When the ship blacked out the
5 first time, was it centered in the channel?

6 A. Yes.

7 Q. And after the first blackout, did
8 the ship begin to turn?

9 A. Yes, it started to pull along the
10 starboard side.

11 Q. Do you know why the ship started
12 turning?

13 A. In my experience, it might be due
14 to wind or current.

15 Q. Is that just your guess?

16 A. (In English:) I'm guessing. I'm
17 guessing.

18 Q. You don't know why --

19 A. (In English:) I don't know.

20 (Through the interpreter:) Captain,
21 pilot, duty officer, helmsman,
22 everybody were on the bridge. They
23 were on the bridge. They know what's
24 happening on the bridge. I'm standing
25 on the forward. I don't know why the

209

1 system --

2 BY MR. REISMAN:

3 Q. Bosun, if you don't know, just
4 tell me you don't know.

5 A. (In English:) Okay.

6 Q. Okay?

7 A. (In English:) Okay.

8 Q. Do you know what caused the ship
9 to turn to the starboard?

10 A. I don't know.

11 Q. At any time before the ship hit
12 the bridge, did that starboard turn stop?

13 A. I did not know that. I'm saying
14 that I was on a different situation there.

15 Q. If you don't know, just say I
16 don't know.

17 So when you got the order to let
18 go of the port anchor, the first thing you
19 had to do was raise the bow stopper, correct?

20 A. I removed it when they asked me to
21 stand by.

22 Q. So what did you have to do when
23 you got that order? In order to let go of
24 the anchor, what did you have to do?

25 A. Only brake.

210

1 Q. And because the hydraulic brake
2 wasn't working, that meant you had to open
3 the manual brake?

4 A. (In English:) Yeah.

5 Q. That meant you had to turn that
6 wheel?

7 A. Yes.

8 Q. And, normally, you would need two
9 men to turn that wheel, correct?

10 MR. BENNETT: Just note my
11 objection.

12 A. (In English:) Correct.

13 BY MR. REISMAN:

14 Q. How many men would you normally
15 need to turn that wheel?

16 A. Two people are needed.

17 Q. But you were alone; is that right?

18 A. (In English:) Alone.

19 Q. Were you able to turn the wheel
20 and open the brake?

21 A. I informed the captain, and using
22 the F key I tried to move it one or two
23 times, but -- one or two turns, and then the
24 AB came to help me.

25 Q. So you tried to turn the brake,

211

1 but you couldn't turn it on your own to get
2 it open; is that right?

3 MR. BENNETT: Just note my
4 objection.

5 A. I did one or two turns. Using
6 that lever, I did it, and only then he came
7 to help me.

8 BY MR. REISMAN:

9 Q. So at what point did you call the
10 captain and tell him that you needed somebody
11 to come help you?

12 A. I told him initially.

13 Q. As soon as he gave you the order
14 or after you started trying?

15 A. I told him immediately after me
16 gave me the order.

17 Q. So before you even started trying
18 to open that brake, you told the captain I
19 need another man?

20 A. Yes, as soon as he said let go, I
21 told him that I was alone here and please
22 send another person. I told him that I
23 cannot drop the anchor alone. Please send
24 another person. I'm alone here.

25 Q. So if you'd had another person

212

1 with you on the bow, you could have opened
2 that brake more quickly?

3 MR. BENNETT: Just note my
4 objection.

5 A. I would have done it faster.

6 BY MR. REISMAN:

7 Q. How long did it take from the time
8 you received the order to let go of the
9 brake -- excuse me, to let go of the anchor
10 until the second man arrived to help you?

11 A. I'm saying this again and again.
12 I was not in a situation to notice the time.

13 Q. Do you know where he came from?

14 A. I know that -- I know that he was
15 working in the gangway, so he should come
16 from the gangway.

17 Q. Was the person who came to help
18 you Sunil or Shiju?

19 A. (In English:) Shiju.

20 Q. Say it again so I --

21 A. (In English:) Shiju.

22 Q. Shiju?

23 A. (In English:) Yeah.

24 Q. Shiju came to help you?

25 A. (In English:) Yeah.

213

1 Q. S-H-I-J-U.

2 Do you know where he was when he
3 heard you needed assistance or are you just
4 guessing that he was at the gangway?

5 A. It's a guess.

6 Q. Do you know where the aft station
7 is on the ship?

8 A. I know.

9 Q. Where is that?

10 A. In the aft.

11 Q. At the stern of the ship?

12 A. (In English:) Yeah, stern of the
13 ship.

14 Q. The other end of the ship?

15 A. (In English:) Yeah, yeah.

16 Q. How long is the ship; do you
17 know?

18 A. (In English:) 299 meter.

19 THE STENOGRAPHER: What was
20 that?

21 THE INTERPRETER: 299 meter.

22 BY MR. REISMAN:

23 Q. 299 meters?

24 A. (In English:) Yeah.

25 Q. So if Shiju was at the aft

214

1 station, he would have had to come almost
2 300 meters to reach you on the bow?

3 A. Yes, it would have taken him more
4 time if he were on the there. So I'm
5 guessing he should be on the gangway.

6 Q. You would defer to Shiju as to
7 where he was when he learned he needed to
8 come help you, correct?

9 A. Yes. The captain announced
10 through his walkie-talkie asking somebody to
11 go to forward and assist.

12 Q. Did the captain repeatedly tell
13 you to let go of that anchor?

14 A. Yes.

15 Q. And did you hear the captain
16 calling on the radio several times for
17 somebody to come help you?

18 A. I did not listen that. I heard
19 the captain repeatedly ordering me to take
20 off the anchor. She just said that the
21 captain asked somebody to help me on the
22 forward because I was not in a state to
23 listen to other instructions.

24 Q. Did you say to the captain over
25 the radio that you were having trouble

215

1 getting the bow stopper up?

2 A. No.

3 Q. Never told the captain: I'm
4 having trouble with the bow stopper?

5 A. I never talked to captain about
6 bow stopper.

7 Q. You and the captain never
8 mentioned the bow stopper over the radio on
9 March 26th; am I right?

10 A. (In English:) Yes.

11 Q. Did you ever hear the captain say
12 anything about the bow stopper over the radio
13 to anybody on the night of March 26?

14 A. During the first blackout, I
15 believe that the captain asked to stand by.
16 He said that remove the bow stopper and stand
17 by the anchor. Even if captain did not
18 mention about the bow stopper, I know that
19 stand by means to remove the bow stopper. I
20 would have done that.

21 Q. Did you have trouble lifting the
22 bow stopper?

23 A. (In English:) No.

24 Q. No trouble at all?

25 A. (In English:) No trouble.

216

1 Q. How long did it take you to lift
2 it?

3 A. (In English:) Just two.

4 Q. Instant, but it took you two or
5 three minutes you think to get the brake
6 open?

7 MR. BENNETT: Just note my
8 objection.

9 A. It's just instant.

10 BY MR. REISMAN:

11 Q. My question is are you as sure
12 about the time -- go ahead?

13 A. It is instant. Just like I
14 mentioned, there's a counter support, so once
15 you pull it, it balances.

16 BY MR. REISMAN:

17 Q. Are you as sure about the time it
18 took you to lift the bow stopper as you are
19 about the time it takes to open the hydraulic
20 brake?

21 MR. BENNETT: Just note my
22 objection.

23 A. Yes.

24 BY MR. REISMAN:

25 Q. If the hydraulic brake had been

217

1 working, would you have been able to open it
2 by yourself?

3 A. To open the brake?

4 Q. Yes.

5 A. I would have done it.

6 Q. You would have been able to
7 operate the hydraulic brake by yourself?

8 A. Yes, I would have. But there is
9 something there. If I was there to open the
10 hydraulic brake, I would have gone by now.

11 For hydraulic brake, I need to be standing
12 there. Since it was a manual brake, I just
13 opened and open and run away. For hydraulic
14 brake, I have to push the button and stand
15 there until it falls down. So the bridge
16 would have fallen on my head. Since it was
17 manual brake, I just opened it and ran away.

18 Q. Well, we know that you were still
19 on the bow which Shiju came up to help you
20 with the manual brake, correct?

21 A. Yes, I was opening the brake.

22 Q. And at that point, when Shiju
23 arrived on the bow, the bridge had not fallen
24 on top of the ship, had it?

25 A. No, it was not.

1 Q. And, in fact, when Shiju arrived
2 on the bow, the ship had not hit the bridge
3 yet; is that right?

4 A. No.

5 Q. Hang on. Am I right?

6 A. (In English:) Yes, right.

7 Q. So if we were to listen to the VDR
8 and see when the captain gave you the order
9 to let go of the anchor and figure out the
10 time it would take to hit the bridge in that
11 gap, if you could have opened the brake and
12 let the anchor out in less than that time,
13 you would have been able to let it out and
14 leave before you hit the bridge, correct?

15 A. Yes.

16 Q. And so if the hydraulic brake had
17 been working as it was supposed to, and you
18 had pressed the button as soon as the master
19 gave you the order to let go of the port
20 anchor, you could have let it go and then be
21 gone before the ship hit the bridge, correct?

22 A. The anchor drops only when I press
23 it, when I hold on to it. If I remove my
24 hand, it will stop.

25 Q. How many shackles were you

219

1 supposed to let out? Two shackles, right?

2 MR. BENNETT: Just note my
3 objection.

4 A. The salvage told that it was two
5 shackles.

6 BY MR. REISMAN:

7 Q. I didn't understand that.

8 A. The salvage team told that it was
9 two shackles.

10 (Unintelligible.)

11 Q. Do you know how fast the chain
12 goes out?

13 A. (In English:) The salvage team.

14 Q. Do you know how fast the chain
15 goes out once the anchor starts falling with
16 the windlass disengaged?

17 MR. BENNETT: Just note my
18 objection.

19 A. I opened it and I ran away. The
20 rescue team told that it was two shackles.

21 MR. REISMAN: I'm going to
22 object as nonresponsive.

23 BY MR. REISMAN:

24 Q. My question to you, sir, is, do
25 you know how fast the chain falls when it's

220

1 gravity falling?

2 A. Are you asking about touching the
3 ground?

4 Q. I'm asking how fast does the chain
5 fall, not when it touches the ground. How
6 fast does the anchor and the chain fall?

7 A. When you open it completely, it
8 will go very fast.

9 Q. I'm going to show you a document
10 now that's been produced in this
11 litigation --

12 A. Within half a minute, one shackle
13 can go.

14 Q. You think it takes half a minute
15 for one shackle in free fall?

16 A. If it is -- if you open it fully,
17 one shackle will go in half a minute or to
18 one minute.

19 Q. I'm going to show you a document.

20 MR. REISMAN: Owen, we've got a
21 copy for you, if you'll hand that --

22 BY MR. REISMAN:

23 Q. This is an excerpt of the Synergy
24 navigation manual with the revision date of 2
25 February 2024. I've given you the cover

221

1 page, which bears Bates label Petitioner
2 13225, and then I've also given you Chapter 9
3 of that manual, which is Anchoring Operations
4 and at Anchor.

5 And I'm going to ask you to look,
6 please, at the page that has Bates number
7 Petitioner 13291. At the top it will say
8 Page 4 of 19. And we're going to attach this
9 as Exhibit 32.

10 (Exhibit 32 was marked for
11 identification.)

12 BY MR. REISMAN:

13 Q. And you will see about midway
14 down, there's a gray box that's a little hard
15 to read. Can you read that? If you can't,
16 maybe the interpreter can read that for you.

17 (Reviewing document.)

18 Q. Do you see that, sir?

19 A. Yes.

20 Q. Does that tell you that 12
21 shackles could fully run out in 33 seconds.

22 I didn't hear the answer.

23 A. Can you please repeat the
24 question?

25 Q. Does that tell you that 12

222

1 shackles could fully run out within
2 33 seconds?

3 A. 33 seconds, 12 shackles, yes.

4 Q. You just told us that it would
5 take 30 seconds for one shackle, correct?

6 A. What I told was an approximate
7 thing. Half a minute to one minute.

8 Q. Do you agree -- well, do you defer
9 to the information contained in the Synergy
10 anchoring operations and at anchor policy?

11 A. I will accept this because I never
12 saw the time and never timed it out, but they
13 would have calculated it accurately, so I
14 would accept this.

15 Q. So you would agree, sir, now that
16 you have seen this in the Synergy navigation
17 manual, that you could have, had the
18 hydraulic brake been working, pushed the
19 button, let out two shackles, and been gone
20 within less than 30 seconds?

21 MR. BENNETT: Just note my
22 objection.

23 A. Are you asking as per Synergy
24 document?

25 MR. REISMAN: I'm asking him,

223

1 now that he's seen this, does he agree
2 that he could have let out two
3 shackles in less than 30 seconds.

4 THE WITNESS: If it is according
5 to this record, then yes, maybe.

6 BY MR. REISMAN:

7 Q. Do you have any reason to dispute
8 this document?

9 A. No.

10 Q. And you had enough time from when
11 the captain gave you the order to let go of
12 the anchor for Shiju to run from either the
13 gangway or the aft station to reach you, and
14 the bridge had still not fallen on the ship,
15 correct?

16 A. No.

17 Q. Am I correct?

18 A. Yes.

19 Q. So you had enough time, had the
20 hydraulic brake been working, to safely let
21 out two shackles or more and get off of the
22 bow before the bridge fell, correct?

23 A. Yes. As per this record, it looks
24 like that.

25 Q. Do you know why there was only one

224

1 man on the bow as you approached the bridge
2 on March 26th?

3 A. The captain asked to -- asked one
4 person to stay there, and I was there.

5 Q. Is that because the crew was
6 short-handed?

7 A. Yes, there was a person short.

8 Because of that reason, the captain asked me
9 to stay there on the bow, and one man on the
10 bow and the OS or AB to the pilot ladder.

11 Q. Do you know what caused the ship
12 to blackout the first time on March 26th?

13 A. I don't know the reason.

14 Q. Has anybody told you why they
15 think the ship blacked out on March 26th the
16 first time?

17 A. No.

18 Q. Do you know why the ship blacked
19 out the second time on March 26th?

20 A. No, I don't know.

21 Q. Has anybody told you why they
22 think the ship blacked out the second time on
23 March 26th?

24 A. No.

25 Q. We know you told us Shiju came up

225

1 and helped you open the manual brake, right?

2 MR. BENNETT: Just note my
3 objection.

4 A. While I was opening it, he came
5 and he supported me in opening it.

6 BY MR. REISMAN:

7 Q. When Shiju arrived at the bow, had
8 the anchor started to drop?

9 A. No. Only after he reached there,
10 and we both started to turn it, it started to
11 drop.

12 Q. Did you leave the bow before the
13 chain had fully run out?

14 A. Are you asking about Shiju or me?

15 Q. Bosun.

16 A. Shiju came and helped me in
17 opening it. After two or three turns, Shiju
18 saw the bridge and he ran away from there. I
19 was opening still. Once Shiju helped and the
20 wheel started running, it was free. So I
21 opened it quickly. And when the chain
22 started to move, then I moved away from
23 there.

24 MR. REISMAN: I'm going to
25 object as nonresponsive.

226

1 BY MR. REISMAN:

2 Q. I appreciate you telling me that,
3 but I want to you to answer my question.

4 Did you leave the manual brake
5 station before the chain had fully paid out?

6 A. I did not move out of there. Only
7 after the bridge was broken and everything
8 falled on me.

9 MR. REISMAN: I'm going to
10 object again as nonresponsive.

11 BY MR. REISMAN:

12 Q. I want to you to really listen to
13 my question. Okay? You're telling me things
14 that I'm not asking you. When you left the
15 port anchor brake, manual brake, was the
16 chain still running out?

17 A. Yes.

18 Q. Do you know how much chain had run
19 out when you left the manual brake?

20 A. No.

21 Q. Do you know how many shots of
22 chain or shackles there were on the port
23 anchor, not out but how many there were all
24 together?

25 A. (In English:) Totally you're

227

1 asking?

2 Q. Yes.

3 A. (In English:) I don't know
4 exactly. I think 14 shackles.

5 Q. Do you know how many shackles had
6 paid out when you left the brake?

7 A. (In English:) No.

8 Q. And when you left the brake, the
9 bridge was starting to fall on top of the
10 bow?

11 A. I just moved from the winch, and
12 it hit the bridge and it started falling
13 down.

14 Q. When the ship first hit the
15 bridge, were you still at the manual brake
16 wheel?

17 A. (In English:) I'm out of the
18 bridge.

19 Q. Before the ship ever touched the
20 bridge, you were already gone?

21 A. I was there on the bow, but I
22 moved away from the winch.

23 Q. So you were still on the bow when
24 the ship hit the bridge?

25 A. (In English:) Yes.

228

1 Q. And the anchor chain was still
2 paying out at that time?

3 A. (In English:) Yes, yes.

4 Q. How long did you remain on the bow
5 after the ship hit the bridge?

6 A. I was there until everything fell
7 down. On my left, the bridge was falling,
8 and on my right, the container was falling,
9 and I was terrified. I was shaking there.
10 And only after everything fell down, I moved.

11 Q. At any time before the ship hit
12 the bridge, did anybody other than Shiju come
13 to the bow to help you?

14 A. No, nobody came.

15 Q. Can you think of any reason why
16 the Dali could not have waited in Panama to
17 have the hydraulic brake fixed before it
18 sailed for the United States?

19 A. I don't know. It's up to the
20 management team.

21 Q. Did anybody ever tell you why the
22 ship sailed to the United States with a
23 defective port hydraulic brake?

24 A. No.

25 Q. Do you know whether any repairs or

229

1 attempts to repair that port hydraulic brake
2 were made between the time you departed
3 Panama and the time of the accident on
4 March 26, 2024?

5 A. The engine team came and worked on
6 it, but I don't know what they worked on and
7 what happened, but it was not ready.

8 Q. You told us earlier that the
9 engine room crew came and worked on it. Was
10 that in Panama or did they continue working
11 on it after Panama?

12 A. They checked after crossing the
13 Panama Canal. I don't remember when we
14 crossed the Panama Canal. It might be during
15 the daytime or the nighttime. I don't know.
16 They checked -- they worked on it at the
17 Panama Canal, and then they worked on it even
18 after crossing that. I don't know exactly
19 when.

20 Q. Do you know where the ship was
21 when the engine room crew worked on the port
22 hydraulic brake again?

23 A. We crossed the Panama Canal, and
24 we came on the other side.

25 Q. Were you still in Panama when that

230

1 happened?

2 A. I don't think it was on the
3 Panama. I guess it's after crossing Panama
4 and coming to the other sea.

5 Q. While you were sailing on the way
6 to the United States?

7 A. Yes.

8 Q. Are you aware of any work that was
9 done on that port hydraulic brake after the
10 ship arrived in Newark?

11 A. I don't know if they did or not.

12 Q. Did you have to anchor in Newark?

13 A. I don't think we did it.

14 Q. Did you have to anchor in Norfolk?

15 A. I don't remember in Norfolk.

16 Q. Prior to March 26, 2024, had you
17 ever had to let go an anchor in an emergency
18 situation?

19 A. No.

20 MR. REISMAN: Why don't we take
21 a break. I'm going to look through my
22 notes.

23 THE VIDEOGRAPHER: Going off the
24 record at 4:45 p.m.

25 (A brief recess was held from 4:45

231

1 p.m. to 5:02 p.m.)

2 THE VIDEOGRAPHER: We are going
3 back on the record at 5:02 p.m.

4 MR. REISMAN: Joshua, if you
5 could pull up Document L as in Lima
6 for us, and I apologize for everybody
7 who is watching the video. We didn't
8 show that. This is a document that
9 was attached as Exhibit 32 that we
10 questioned the witness about maybe 10
11 or 15 minutes ago, maybe a little
12 longer. But I apologize. But now you
13 all can see it.

14 BY MR. REISMAN:

15 Q. Bosun, a few more questions for
16 you. You told us that you were trying to get
17 the manual brake open. You got some turns
18 but not enough to get the brake open and the
19 anchor falling on your own.

20 MR. BENNETT: Objection.

21 BY MR. REISMAN:

22 Q. Is that right?

23 A. Yes.

24 Q. And then the AB Shiju arrived and
25 helped you, and you were able to get the

232

1 brake open, and the anchor started to fall;
2 is that right?

3 MR. BENNETT: Just note my
4 objection.

5 A. Yes.

6 BY MR. REISMAN:

7 Q. At any time after you got the
8 brake open and the anchor started falling,
9 the port anchor started falling on March
10 26th, did you attempt to close the brake?

11 A. Are you asking about that --
12 during that instant time.

13 Q. Yeah, from the time that you began
14 opening the brake and Shiju came to help you
15 and the time you left the port anchor
16 station, did you ever try to close the brake?

17 A. No, I was just trying to open it.

18 Q. Bosun, I'm going to hand you a
19 copy of a document that's been produced in
20 this litigation. It bears Bates number
21 Petitioner 604733.

22 MR. REISMAN: And, Joshua, if
23 you could pull up Document D, please.

24 BY MR. REISMAN:

25 Q. I'm going to ask you to take a

233

1 look at this, sir.

2 MR. REISMAN: I would suggest
3 maybe the interpreter read it for him.

4 (Reviewing document.)

5 A. This is it, the one that you read
6 is what I said.

7 BY MR. REISMAN:

8 Q. Bosun, have you seen this document
9 before?

10 A. (In English:) Yeah.

11 Q. Did you write this?

12 A. (In English:) Yeah, I wrote it.

13 Q. These are your words?

14 A. (In English:) Yes.

15 Q. And is it accurate?

16 A. Yes, right.

17 Q. You agree with what's written on
18 this statement?

19 A. Yes.

20 Q. When did you write this?

21 A. I don't remember the date, but it
22 was after that accident.

23 Q. Was it within a few days of the
24 accident or longer than that?

25 A. A few days.

234

1 Q. Who asked you to write this?

2 A. We all wrote it. Master asked
3 everybody to write this.

4 Q. Did you type your statement
5 yourself?

6 A. No. The second officer typed it,
7 but I told him.

8 Q. So you sat with the second
9 officer, and you said the words, and he typed
10 them down for you?

11 A. Since I don't know how to type, I
12 narrated it and he typed it.

13 Q. But then you read it, and you
14 agreed with it?

15 A. (In English:) Yes.

16 Q. I'm going to ask you to go ahead
17 and sign it, please.

18 MR. BENNETT: No.

19 MR. REISMAN: Yes.

20 MR. BENNETT: On what basis are
21 you having him sign --

22 MR. REISMAN: I'd like him to
23 sign it. I can --

24 MR. BENNETT: Why?

25 MR. REISMAN: Because I would

235

1 like that. What do you mean, what
2 basis?

3 MR. BENNETT: What basis are you
4 having him sign an exhibit?

5 MR. DUFFY: He's here to
6 testify, not --

7 (Simultaneous unreportable crosstalk.)

8 MR. REISMAN: I'm asking him to
9 sign the document.

10 MR. DUFFY: I'm going to object,
11 and I'm going to tell him not to do
12 it.

13 MR. REISMAN: You're telling him
14 not to do it? On what basis?

15 MR. DUFFY: He's here to testify
16 and not to mark up exhibits for you.

17 MR. REISMAN: I mean, is there a
18 privilege basis? I mean, if there's
19 no privilege, then he's going to do
20 it, right? I mean, the only basis you
21 would have for it is if it was somehow
22 going to waive a privilege, which I
23 would not want to do.

24 MR. DUFFY: You know what, go
25 ahead and sign it.

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1 MR. REISMAN: Thank you.

2 MR. DUFFY: Go ahead and sign
3 it.

4 MR. WALKER: Can I jump in for a
5 second? The exhibit that was uploaded
6 is not the exhibit that the witness
7 has in front of him.

8 MR. REISMAN: Which one is that?

9 MR. WALKER: He uploaded the CV
10 again.

11 MR. REISMAN: Okay. Josh, we're
12 looking for D as in delta, please.

13 That was D, right?

14 MR. WALKER: He uploaded B as in
15 boy.

16 BY MR. REISMAN:

17 Q. Okay. You can go ahead and sign
18 it, please.

19 MR. DUFFY: Sign it. It's your
20 signature, period. Go ahead. Sign
21 it. Sign it.

22 THE WITNESS: (In English:) I
23 can sign?

24 MR. DUFFY: Sign. You
25 testified that these are your -- just

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1 sign it.

2 THE WITNESS: Okay.

3 MR. DUFFY: Let the record show
4 that he signed a piece of paper that
5 counsel asked him to sign.

6 MR. REISMAN: Thank you.

7 THE WITNESS: (In English:) Can
8 I take one photo of it?

9 MR. REISMAN: Why don't we wait,
10 and we'll do that and the drawing
11 later, but you certainly can.

12 THE WITNESS: (In English:) Or
13 I can take a copy of this.

14 MR. REISMAN: Whatever you
15 prefer. We can get you a copy or you
16 can take a picture. No problem.

17 BY MR. REISMAN:

18 Q. On the night of March 26th after
19 the ship departed the berth and before it hit
20 the bridge, did you ever hear the ship's horn
21 or whistle sound?

22 A. Are you asking on that day?

23 Q. On that day.

24 A. I don't remember.

25 Q. Would you remember hearing the

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1 whistle, you think?

2 A. Is it before sailing, or when are
3 you asking about?

4 Q. From the time -- once the ship
5 left the berth until you hit the bridge.

6 A. Normally, I can hear when the
7 whistle blows, but I don't remember.

8 Q. You don't remember hearing it?

9 A. (In English:) Yeah.

10 Q. Okay. I see you have a cell phone
11 today. How long have you had that phone?

12 A. Are you asking this phone?

13 Q. That phone.

14 A. They gave me towards April and/or
15 May.

16 Q. So the phone you had at the time
17 of the accident was taken away?

18 A. Yes, it is with the FI.

19 Q. And you have never gotten that
20 phone back?

21 A. (In English:) No.

22 Q. Am I right?

23 A. (In English:) Yeah.

24 Q. But somebody gave you a new phone?

25 A. Yeah.

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1 Q. You've had that phone that's in
2 your pocket, you've had that continuously
3 since April or May of 2024?

4 A. Yes, the same phone.

5 Q. Has anybody ever asked you to
6 search that phone for text messages or
7 e-mails discussing the accident?

8 A. No, I just have it to contact my
9 family -- family and friends.

10 Q. Have you ever -- I'm sorry.

11 A. Family and friends.

12 Q. Have you ever used that phone to
13 communicate with any of the other crew
14 members who were on board the Dali on
15 March 26th?

16 A. Are you asking about March 26th?

17 Q. Yes.

18 A. I didn't not -- I did not have
19 this phone on March 26th.

20 Q. No. My question is have you ever
21 used that phone to communicate with anybody
22 about what happened on March 26th?

23 A. Are you asking with this phone?

24 Q. Yes. I don't think the question
25 is being asked properly.

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1 A. When my family, friends, or my
2 circle asked where I've been, where are you,
3 I told them there was this bridge collapse on
4 the 26th, and I'm in the U.S.

5 Q. And what?

6 A. I'm in the U.S.

7 Q. Have you ever used that phone to
8 send a text message or an e-mail about what
9 caused the accident on March 26th?

10 A. I have told them that an accident
11 happened, but I don't know what caused the
12 accident, so I never discussed it with
13 anybody since I don't know what caused it. I
14 just know that there was an accident.

15 MR. REISMAN: As I said at the
16 beginning of the deposition, we were
17 going to reserve our right to seek to
18 recall bosun to continue this
19 deposition as more documents and
20 discovery responses come in from the
21 vessel interest. We are also going
22 to -- I think we are going to talk
23 with the Court about the refusal to
24 answer some of our questions. And so
25 we may need to bring him back.

1 BY MR. REISMAN:

2 Q. Sir, do you have any plans to
3 leave the United States in the foreseeable
4 future?

5 A. Where to go? To go out of here?

6 Q. You expect to be -- you don't have
7 any current plans that you're leaving the
8 United States?

9 A. No idea as of now since they're
10 having me here.

11 MR. REISMAN: That's all I need
12 to know. Okay. Thank you. At this
13 point, I'm going to tender the
14 witness. Thank you, sir.

15 MR. WALKER: Good afternoon,
16 sir. My name is Larry Walker. I'm an
17 attorney with the law firm of Cozen
18 O'Connor, and I represent Ace, the
19 insurance company for the bridge. I
20 appreciate your time. I don't have
21 any question for you today.

22 MR. LOCHNER: Todd Lochner on
23 behalf of the private economic loss...

24 (Reporter clarification.)

25 THE STENOGRAPHER: I can't hear

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1 you.

2 MR. LOCHNER: Just announcing
3 that Todd Lochner, private economic
4 loss silo, has no questions for today.

5 MS. AGUINIGA: Sara Aguiniga on
6 behalf of the City of Baltimore. The
7 City of Baltimore has no questions as
8 of today.

9 MR. FOSTER: Jason Foster on
10 behalf of the personal injury wrongful
11 death claimants. No questions but a
12 request that we preserve the contents
13 at this time.

14 MR. BENNETT: All the claimants
15 are done? I have a few questions.

16 EXAMINATION

17 BY MR. BENNETT:

18 Q. Bosun, you began sailing in 1989,
19 I think you told us, correct?

20 A. Yes.

21 Q. On all the ships that you sailed,
22 on how many had a hydraulic brake?

23 A. Two.

24 Q. Two. So it was common to use a
25 manual brake to release an anchor, correct?

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1 MR. REISMAN: Object to form.

2 A. Yes.

3 MR. BENNETT: No further
4 questions.

5 MR. REISMAN: Thank you, sir.

6 MR. WALKER: I'm sorry. I have
7 a follow-up, sir.

8 EXAMINATION

9 BY MR. WALKER:

10 Q. In all the years that you used the
11 manual brake on other vessels, how many
12 people did you need to operate that brake?

13 A. I always have two people. I
14 always have an assistant with me.

15 Q. So it's common in the industry
16 that you work in to always have two people
17 available to operate a manual brake; is that
18 right?

19 A. Yes.

20 Q. And on the day of the incident,
21 you were alone, right?

22 A. Yes, I was alone.

23 MR. WALKER: Thank you.

24 MR. BENNETT: Just a follow-up.

25 EXAMINATION

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1 BY MR. BENNETT:

2 Q. You were alone, but you did open
3 up the brake on your own, right?

4 MR. REISMAN: Object to the
5 form.

6 MR. WALKER: Join.

7 A. Yes.

8 MR. WALKER: Let's just follow
9 that through.

10 EXAMINATION

11 BY MR. WALKER:

12 Q. So you started to open the brake
13 up yourself, correct?

14 A. (In English:) Yes.

15 Q. The anchor chain didn't start to
16 move until the second person came and
17 assisted you, correct?

18 MR. BENNETT: Just note my
19 objection.

20 A. I did two turns with the F key,
21 and the second person came, and then we
22 rotated it. I did it two turns with the F
23 key, and then the second person came and
24 helped. We both did four or five turns, and
25 then he ran away, and then I rotated it

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1 fastly. And then only after that, the chain
2 started falling, and I moved it away.

3 BY MR. WALKER:

4 Q. So it wasn't until after the
5 second person arrived to assist you that the
6 chain started falling, correct?

7 A. The chain started to move only
8 after he ran away, after helping me.

9 Q. After he ran away?

10 A. He helped me to loosen the brake,
11 and then he ran away, and then I was able
12 to -- and then I was able to open the brake,
13 and once it started -- once the
14 anchor -- cable started moving, I ran away.

15 Q. So you were able to start opening
16 the brake by yourself, but then it stuck,
17 correct?

18 MR. BENNETT: Just note my
19 objection.

20 MR. DUFFY: Objection.

21 A. It was not stuck.

22 THE INTERPRETER: I'm sorry. I
23 would like to ask him to repeat that
24 slowly.

25 A. I was opening it using the F key.

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1 I was doing one or two turns. And then
2 another person came and he helped me. We
3 together rotated the wheel and was opening
4 the brake. Once the brake got loosened by
5 the time the ship was already near to the
6 bridge. The other man, he ran away from
7 there. He was pulling me to come. And --
8 but I was standing there, and I was opening
9 the brake.

10 And then the anchor cable started
11 moving, and then I moved from there. But I
12 was not able to come down. That person has
13 already gone down and went to the bosun
14 stool.

15 By the time I started to go down,
16 the -- it already hit the bridge, and the
17 bridge was falling to my left side. The
18 containers were falling on my right side. I
19 was stuck between the bridge and the
20 container, and it was terrifying. And too
21 much sand and debris were falling all over
22 me, and I was having breathing trouble
23 because the debris was going to my nose.

24 I was terrified and I was praying
25 God, and then I crawled -- try to go down. I

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1 was crawling like this to the main deck.
2 After that I wanted to -- I moved to the main
3 deck from top. Now I have to move to the
4 accommodation. But there were -- the
5 containers were -- have already fallen down
6 on the main deck, and I was not able to move
7 to the accommodation. I滑ed below the
8 container and moved like this to the
9 accommodation.

10 BY MR. WALKER:

11 Q. Between the time that the master
12 gave you the order to let go of the anchor
13 and the time that help came, you were using
14 the F key and were only able to turn the
15 wheel one to two revolutions, right?

16 A. Yes.

17 Q. And during that time, none of
18 anchor chain let loose, correct?

19 A. No.

20 Q. Am I correct? Am I correct?

21 A. Correct.

22 MR. WALKER: That's all I have.
23 Thank you.

24 THE WITNESS: That did not start
25 to move until the next person ran

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1 away. Only after he ran away, it
2 started to move.

3 EXAMINATION

4 BY MR. REISMAN:

5 Q. Bosun, I've just got a couple of
6 quick questions for you.

7 First, how do you start the
8 emergency generator on the Dali?

9 A. (In English:) There's a drill
10 about it.

11 Q. But I'm asking you, how do you
12 start the emergency generator on the Dali?

13 A. (In English:) Are you asking how
14 to start the emergency generator?

15 (Unintelligible.)

16 Q. Yes.

17 A. There's a panel which is on the
18 automatic always. We have to turn breaker to
19 manual mode. We have to select the battery.
20 There are one battery and two battery. And
21 push the start button. And then the
22 emergency generator will start.

23 Q. And you know that because you were
24 trained on how to operate the emergency
25 generator, right?

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1 A. Yes, they make drills.

2 Q. Not just drills but safety
3 meetings where you were taught how to operate
4 the emergency generator, right?

5 A. That is called a drill.

6 MR. REISMAN: Joshua, if you
7 could pull up Document I, please, and
8 then we'll hand a copy to them.

9 BY MR. REISMAN:

10 Q. I'm going to ask you to take a
11 look at a document that's been produced in
12 this litigation with Bates numbers Petitioner
13 658385 and 658386. Just take a look at that,
14 and let me know when you're ready.

15 MR. REISMAN: I'm not going to
16 ask him very detailed questions about
17 it.

18 THE INTERPRETER: Do you want me
19 to read it?

20 MR. REISMAN: If he wants to
21 read it, he's certainly entitled. But
22 if he wants to hear the question and
23 then decide if he wants to read it,
24 that's fine too.

25 THE WITNESS: Ask the question.

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1 MR. REISMAN: Good answer.

2 BY MR. REISMAN:

3 Q. Sir, what I put in front of you
4 ask a record of training and extraordinary
5 safety meeting, correct?

6 A. Yes.

7 Q. And this shows -- this document
8 shows that on February 14, 2024, please --

9 MR. REISMAN: Leave that there,
10 please, where it was.

11 BY MR. REISMAN:

12 Q. On February 14, 2024, you received
13 training in a safety meeting on how to
14 operate the emergency generator, correct?

15 A. Yes, they did the drill on the
16 emergency generator on the 14th.

17 Q. And they walked through the
18 written procedure for how to start the
19 emergency generator?

20 A. Yes. Not only me, they have all
21 the team members there and they explain it.

22 Q. And by having a written procedure
23 and explaining it to all of the crew, crew
24 members like yourself were able to understand
25 how to do something like operate the

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1 emergency generator, correct?

2 A. Yes.

3 Q. That's the safe way to do things
4 on a ship?

5 MR. BENNETT: Just note my
6 objection.

7 A. Yes.

8 BY MR. REISMAN:

9 Q. And I would like you to look at
10 the second page of the document, at line
11 number 13, and tell me whose name appears
12 there?

13 A. My name.

14 Q. Your name. And it says that
15 you're the bosun?

16 A. (In English:) Yeah.

17 Q. And then did you sign it there?

18 A. (In English:) Yes, sir.

19 Q. So this was a safety meeting that
20 you attended, and you signed in to confirm
21 that you attended and learned the safety
22 topic; is that right?

23 A. Yes.

24 Q. Do you remember earlier in
25 deposition I asked you about signing in at

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1 safety meetings, and your response was that
2 only the management team signs it, captain,
3 chief officer, chief engineer, and second
4 engineer?

5 Do you remember that testimony you
6 gave?

7 Answer my question.

8 A. I told so, but since why I said
9 this, that was for who carried out the
10 meeting, and this is for attendance.

11 Q. So when you testified earlier that
12 only the management team signs in on safety
13 meetings, that was incorrect?

14 A. (In English:) Yeah.

15 Q. And, in fact, when you attended
16 safety meetings, you actually signed in
17 yourself?

18 A. Yes, sir.

19 MR. REISMAN: That's all I have
20 got for you. Thank you, sir. Hang
21 on. So we are going to attach the
22 statement that you signed earlier. If
23 we didn't attach it, we're going to
24 attach that as Exhibit 33 -- 34.

25 MR. BENNETT: Statement of fact

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1 is 33.

2 MR. REISMAN: Statement of fact

3 is -- we did attach it? Okay.

4 MR. BENNETT: You missed that
5 one.

6 MR. REISMAN: Okay. What do you
7 mean, I missed it?

8 MR. BENNETT: You didn't mark
9 it.

10 MR. REISMAN: Oh, I thought you
11 were saying I did.

12 MR. BENNETT: I alerted your
13 partner that you didn't mark it.

14 MR. REISMAN: Look at you.
15 Thank you.

16 So we are attaching the
17 statement of fact, which he has signed
18 today, as Exhibit 33, and we're going
19 to attach the Petitioners 658385 and
20 658386 as Exhibit 34.

21 (Exhibit 33 was marked for
22 identification.)

23 (Exhibit 34 was marked for
24 identification.)

25 MR. REISMAN: Thank you, Bill.

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1 I'm glad somebody is looking out for
2 me. Thank you, sir. We are finished.

3 THE VIDEOGRAPHER: Off the
4 record at 5:32 p.m.

5 (Thereupon, the proceedings
6 concluded at 5:32 p.m.)

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1 CERTIFICATE OF REPORTER

2
3 UNITED STATES DISTRICT COURT)

4 NORTHERN DISTRICT OF MARYLAND)

5

6 I, ERICA FIELD, RDR, CRR, certify that I
7 was authorized to and did stenographically
8 report the deposition of CHARLES VAZ, pages 1
9 through 254; that a review of the transcript
10 was not requested; and that the transcript is
11 a true and complete record of my stenographic
12 notes.

13 I further certify that I am not a
14 relative, employee, attorney, or counsel of
15 any of the parties, nor am I a relative or
16 employee of any of the parties' attorney or
17 counsel connected with the action, nor am I
18 financially interested in the action.

19

20 DATED this 18th day of March, 2025.

21


22 _____
23 Erica Field, RDR, CRR

24

25

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